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CHURCH AND STATE IN ENGLAND

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EDITORS' PREFACE

THE object of the Oxford Library of Practical Theology is to supply some carefully considered teaching on matters of Religion to that large body of devout laymen who desire instruction, but are not attracted by the learned treatises which appeal to the theologian. One of the needs of the time would seem to be, to translate the solid theological learning, of which there is no lack, into the vernacular of everyday practical religion; and while steering a course between what is called plain teaching on the one hand and erudition on the other, to supply some sound and readable instruction to those who require it, on the subjects included under the common title 'The Christian Religion,' that they may be ready always to give an answer to every man that asketh them a reason of the hope that is in them, with meekness and fear.

The Editors, while not holding themselves precluded from suggesting criticisms, have regarded their proper task as that of editing, and accordingly they have not interfered with the responsibility of each writer for his treatment of his own subject.

W. C. E. N.
D. S.

PREFACE

A GREAT many proposals have been made in recent years for the reform of the Church, both in and out of Parliament. In looking over these proposals one finds most of them vitiated by the fact that they are not based upon a careful study of the historical causes of the present state of things.

Constructive power must be based upon historic knowledge, and reform of an ancient body like the Church will end in disaster if the past is ignored and only present circumstances are considered. Evolution does not proceed by cataclysms and re-creations, but by gradual and almost imperceptible growth, the new ever growing out of the old, not being grafted upon it.

We may therefore welcome the Royal Commission recently appointed, because its members are men who may be supposed to have the historical knowledge requisite for a calm review of historical causes, from which we may hope for such proposals as may tend to a settlement which may lead to peace, whilst maintaining the historic continuity so precious to the Catholic Church.

In view therefore of the possible results of inquiries made by such a Commission, and in the desire of helping our earnest and intelligent laity to understand the conditions with which the Commission has to deal, the following historical study of the relationship of the Church to the Civil Power is offered with the conviction that facts which are always important have some special interest and significance at the present time.

W. H. A.

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CHURCH AND STATE IN ENGLAND

CHAPTER I

INTRODUCTORY

THE frequent demands, in Parliament and elsewhere, for Church Reform, seem to show that something is wrong in the present relation between Church and State in England.

Of course there can be nothing wrong with the divine energy of which the living Church is full, which will always preserve her true life and essential doctrine and spiritual activity from corruption. But, like the Sacraments she administers, she has an inward and spiritual being which finds its expression in the material world through outward and temporal means.

It is in the point of contact between the world and the Church that the difficulties occur which lead to continual demands for reform.

It would seem, if we took note only of what is said in the Press, that quite a new need is now pressing upon us; that we are passing through a crisis such as the Church has never passed through before; and that it is a crisis of life and death, like that a person may pass through when undergoing a serious surgical operation.

It will help to calm our troubled spirits, and to allay fear and distrust, if we take a wide survey of what has happened to the Church in past times. A careful historical review will show us that in every century since the Church ceased to be a hidden and persecuted body, and became a recognised, State-protected body, there has been a cry for Church reform; that is, not a reform of the 'Faith once delivered,' but a reform or readjustment of the relations between Church and State.

We find Constantine, Justinian, and Charlemagne engaged in schemes of reform; and scarcely a generation passed without a reforming Council being called.

In England, within a short period of the establishment of the Church, Theodore was obliged to reconstitute its arrangements; Alfred, and again Dunstan, were engaged in the same task.

The sad story of degeneration in Wulfstan's address to the English[1] shows how necessary were the reforms of Lanfranc and Anselm. And the work of Anselm was scarcely established when the

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[1] See page 24, note 1, *infra*, and Appendix B.

Council of Clarendon became necessary, to be followed by the legislation of Edward I. and Edward III.

And again, after the turmoil of the Wars of the Roses, demands for reform arose from good Catholics like More and Fisher.

Once more, after the stormy periods of the Reformation and the Great Rebellion, readjustment took place in 1660, followed by further modifications under William III. and Anne. Then followed a period of slumber, succeeded by the Evangelical and Catholic revivals.

And now once more there is demand for readjustment—not a demand for a new thing, but only a recognition of the necessity inherent in all human organisations—the necessity of maintaining harmony between the organisation and its environment. The maintenance of this harmony involves constant readjustment; without it there will be a checking of energy and a stunting of vital organs.

Thus so far from this demand for reform being an unprecedented experience, it is only the latest of a long series of such demands. The Church is a Divine institution carried on by human agency. And men are fallible, their methods are but tentative, for no human methods can possess the quality of finality.

As habits of life and modes of thought change with the centuries, so there must be continual readjustment of means to end, of the body with its environment.

Again, the Church, like other living organisms, is subject to the law of Evolution; and Evolution does not proceed by a series of cataclysms and re-creations, but by growth, now helped, now hindered by outside influences.

Here is the great difference between the Church in England and the Reformed Communions of Scotland and of the Continent. The latter arose as new creations by the destruction of the old Catholic organisation, whilst the Church in England is a historical continuation of the old body, with the old machinery readjusted to changed circumstances. The Convocation of to-day is not greatly different from that of five hundred years ago, whilst the General Assembly of Scotland is a brand-new creation. Our troubles in England are not new, and not to be feared; they are evidences of growth, exactly similar to the troubles arising from the continual wasting and renewing of the human body.

The Church has two main functions, primary and secondary. Her primary function is that of preserving the sacred deposit of the 'Faith once delivered'—of teaching it to her children, and of spreading the knowledge of it amongst those not yet Christian. Her secondary function is that of arranging and maintaining an organisation whereby the primary function may be performed. There may arise a necessity for reform in the primary function, because of corruption of doctrine.

The doctrine must be taught by human and fallible teachers, who may err from excess of zeal, leading to over-statement; from a desire of making doctrines more acceptable, leading to under-statement; from a tendency to speculate on the hidden meaning of great mysteries, leading to false statement; from an anxiety to preserve orthodoxy, resulting in a fall into the opposite error.

In these and other ways men are led to misstate truth, to add to it, to overlay it with human inventions, to violate the proportion of faith, exalting one aspect at the expense of another.

But for correction of error the Church needs no help from outside. She has only to appeal to her standards, the Holy Scriptures, and the witness of unbroken tradition—she can but restate the old truth.

It is not possible to evolve new truth in theology, although the old truth may be set in new light, and the terms of its statement adapted to later modes of thought.

As Lord Macaulay observes, in his Essay on Von Ranke's *History of the Popes*: 'A Christian of the fifth century with a Bible is neither better nor worse situated than a Christian of the nineteenth century with a Bible, candour and natural acuteness being, of course, supposed equal. It matters not at all that the compass, printing, gunpowder, steam, gas, vaccination, and a thousand other discoveries and inventions, which were unknown in the fifth century, are familiar to the nineteenth. None of these discoveries and inventions has the smallest bearing on the question whether man is justified by faith alone, or whether the invocation of Saints is an orthodox practice.'

Hence reformation, or rather restatement of doctrine, can never be the function of the civil power, but must be done by the Church through her appointed ministers, whose special duty it is, and who, it is believed, are specially endowed, in their collective capacity, with gifts of the Holy Spirit for the work of preserving the Faith. In no one of the ancient Councils did lay people share in debates or decisions on doctrine, though often the Emperor presided, and distinguished officers of State signed decrees as accepting the decisions of the Council.

But in the secondary function of discipline there are two subdivisions; the *internal* discipline, involving the ministry of absolution, and the control of the lower ranks of ministry by the higher—and the *external* discipline, involving the relation of the Church to the civil power; patronage, or the settlement of the position and area of ministry; property, and the conditions upon which it is held; and as property is held upon condition of teaching the doctrines of the Church, it may sometimes be the duty of the civil power to inquire as to whether the conditions have been fulfilled; but the civil power exceeds its functions when it attempts to decide what doctrine shall be taught, or to settle disputes as to points of theological controversy.

Here then is the only point at which Church and State come into contact, and at which they must come into contact, whether the Church be established or not.

The relations between the Church and the civil power were at first of a hostile nature, because the State fostered another religion. 'The kings of the earth took counsel against the Lord, and against His Anointed.'

It may be said that S. Paul appealed to Cæsar, but S. Paul was accused of a political crime, and it was to Cæsar as a political ruler that he appealed.

Both our Lord and S. Paul carefully distinguish between the duties of a Christian towards God and towards Cæsar. Our Lord tells us to 'Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's'; and S. Paul says, 'Let every soul be subject unto the higher powers.'

There is not a word about the subjection of the Church to the civil power. And during the first three centuries of the Church's life the state was either her oppressor or supremely indifferent to her.

The close relationship between Church and State, which needs constant adjustment, began when Christianity was recognised and established as the official religion of the State; and later, when Christianity so far triumphed that the whole of the people were Christians, there grew up the feeling that Church and State were only the people under two aspects.

Then the Church was allowed to acquire property; a privileged position, with exemption from taxation and civic duties, was accorded to the clergy; and civil laws were framed to protect the privileges thus given.

The early apostolic missionaries appealed not to the rulers but to the people; they never asked permission to teach, because the rulers were hostile or indifferent. But after the time of Constantine we find missionaries beginning their work in a new land by going first to the ruler for permission to teach.

So S. Patrick goes to King Laoghaire; S. Columba to King Brude of Dalriada; S. Aidan to King Oswald: S. Augustine to King Ethelbert. Thus from the first, amongst Goths, Franks, Anglo-Saxons, and Celts, the Christian Church had a recognised relationship to the State. This fact is a testimony to the power by which Christianity has not only regenerated the individual but re-moulded all the Western world, and has been the mother of Western civilisation.

Christianity began as a despised and hated sect of people who were supposed to be enemies of all social order, and made its way to recognition by its inherent life and power, until it came to deal with nations as before it dealt with individuals, and imprinted its character on the whole world.

The Church came to be a Kingdom embracing all other kingdoms, and its Founder came to be recognised as 'King of Kings and Lord of Lords': so was fulfilled the ancient prophecy, 'Kings shall be thy nursing fathers, and their queens thy nursing mothers,' and the kingdoms of this world became at length the 'kingdoms of our God and of His Christ.'

The modern idea of Disestablishment implies that the Catholic Church is to give up this splendid position, attained after centuries of devotion, which has enabled her to mould the art, the manners, and the laws of the greatest nations of the world, and to return to the position of the first three centuries, when the State was at best indifferent.

And events in France seem to show that when the State becomes indifferent it tends to become hostile.

The fact that the State is declared Christian, that its laws are based on Christian teaching, that the Church is recognised as co-ordinate with the State, and that State functions are performed with the solemnities of religious worship, must be beneficial to the State, redeeming its laws and its public action from the coldness of materialism, and infusing into State action the warmth of Christian sympathy.

The loss by disestablishment would not be to the Church but to the State, by ignoring the experience of sixteen centuries, and by separating two great forces which, though often quarrelling, as twins do, yet by their joint action have on the whole created that civilisation which each alone would have been powerless to create. We may be driven to disestablishment by the apparent determination of some political parties to subordinate to the State the Church which should be co-ordinate with it, but it would be the sundering of a long and unbroken historical chain.

Would it not be better to try the old method of readjustment once more? But the readjustment of deranged machinery needs the work of skilled mechanics who understand its construction. He only can skilfully put the machine together who can take it to pieces skilfully. An ignorant man may pull the machine to pieces carelessly, but cannot reconstruct it, whilst the skilled mechanic can do both. So it is with the Church; too often have unskilled bunglers interfered with its organisation and worship, as may be seen in the work of the iconoclasts of the reign of Edward VI., the destructive work of the Puritans, and the legislation of the long period during which Convocation was closed; but the effects were disastrous, because there was no constructive power.

We propose to consider the relationship as it has existed at various periods, and to show the various stages by which the present position has been reached, and we find the most convenient divisions of historical periods to be: (*a*) The period before the Conquest (chapter ii.); (*b*) from the Conquest to the assertion of Royal Supremacy under Henry VIII. (chapters iii.-vii.); (*c*) from the assertion of Royal Supremacy to the Act of Toleration (chapters viii.-xiii.); (*d*) from the Act of Toleration to the present time (chapters xiv.-xvi.).

CHAPTER II

THE BLENDING OF CHURCH AND STATE IN THE PERIOD PRECEDING THE CONQUEST

A PERIOD of four and a half centuries covers the great work which J. R. Green calls the 'Making of England.' In it both Church and Nation were germinating, and the Church was the living force which brought the various kingdoms into one nation. It may be subdivided into three periods, viz. the time of formation, from the coming of S. Augustine up to the primacy of Theodore; the time of consolidation, from the primacy of Theodore to the reign of Alfred; the time of growing confusion, in consequence of the unsettlement produced by Danish invasion.

During the first period the connection between Church and State was but slight, and the nature of the connection was only gradually coming to be understood.

Augustine received a scheme of organisation from Gregory, but was unable to carry it out, and it remained as an ideal only. By this scheme Augustine was to consecrate twelve suffragans, and the Bishop of York was to have the same number, he being Metropolitan, but subject to Canterbury. After the decease of Augustine precedence was to belong to York or London, according to seniority of consecration.

But Paulinus had to leave York on the death of King Edwin, the work of the Essex mission failed, and the practical result was that the mission of Augustine had little effect beyond the kingdom of Kent. Northumbria was made Christian by the work of missionaries from Iona, Wessex by Birinus, East Anglia by Felix, Mercia by Cedd, who also won back the kingdom of Essex. So that for about eighty years the Church consisted of a number of more or less independent missions which, although in sympathy, had little cohesion.

The Church was waiting for her great organiser, Archbishop Theodore, to whom she owes even more than she does to Augustine or to Aidan.

Yet during this period there were local efforts at organisation; the first instance of this occurs in the laws of Ethelbert, king of Kent.

He decreed that the property of God and of the Church should be twelve-fold; a bishop's property, eleven-fold; a priest's property, nine-fold; a deacon's property, six-fold; a clerk's property, three-fold; Church friths, two-fold; which means that compensation for injury or loss was to be made in that proportion.

By the consent of Ethelbert, Canons respecting marriage and baptisms were enacted, and Charters were given to Rochester Cathedral, to S. Augustine's Monastery at Canterbury, and to other churches, by Eanbald, successor to Ethelbert.

King Edwin of Northumbria held a Witenagemot at Goodmanham, at which laws were passed abjuring idolatry, and ordering idol temples to be destroyed. And King Oswy of Northumbria presided at the celebrated Conference of Whitby in 664, which settled the question of the observance of Easter, thus removing one obstacle to the closer union of the two great missions from Rome and Iona.

The two historic events which conduced most to the unification of the Church were this Conference, which brought north and south into touch, and the overthrow of Penda, king of Mercia, the last and most terrible foe of the Christian religion.

All the kingdoms of the Angles and Saxons were now Christian, and all in full communion with each other, and ready for the master-hand which came to bring order out of chaos.

Theodore became Archbishop of Canterbury in 668, four years after the Conference of Whitby, and thirteen years after the death of Penda. He began his work by making a visitation of his province, in order to inform himself of its condition. He was welcomed by kings and people, and Bede remarks that 'he was first amongst the archbishops to whom the whole Church of the Angles consented to give allegiance.'[1]

Having appointed bishops to vacant sees, and made full observation of the state of the Church, Theodore proceeded to call a National Council, the first of its kind, at Hertford, in 673.

The Council was formed on the model of the provincial Synods which had now become common in the rest of Christendom, and consisted of Theodore and his suffragan bishops, viz. Bisi, Bishop of the East Angles; Wilfred, Bishop of the Northumbrians, who was present by his proper legates, but not in person; Putta, Bishop of the Castle of the Kentishmen, called Rochester; Leutherius, Bishop of the West Saxons; and Winfrid, Bishop of the Mercians;[2] to this Council Theodore presented ten Canons, which were by the Council accepted.

[1] Bede, *H.E.*, iv. 2.

[2] *Ibid.* iv. 5.

The Canons fix the Roman Easter as that to be observed in England, confine bishops in their ministrations to their own dioceses, forbid bishops to molest monasteries, restrain monks from wandering from their monasteries, and clergy from going up and down the country at their own pleasure; they enact that a yearly Synod shall be held at Cloveshoo, settle the question of episcopal precedence, and assert the Christian law of matrimony.

The question of the subdivision of dioceses came up, but was postponed. This Council of Hertford is memorable as the first National Council of our Church, and, as Dr. Bright says: 'While it gave expression and consolidation to the idea of ecclesiastical unity, it was also the first of all national gatherings for such legislation as should affect the whole land of the English, the precursor of the Witenagemots and the Parliaments of the one indivisible imperial realm.'[1]

The next Council called by Theodore was in 680 at Hatfield, which Dr. Bright identifies with Cliff at Hoe, or Cloveshoo. The Council was again a purely episcopal one, although, as probably at Hertford also, notable teachers attended to aid the bishops by their special knowledge, but not as voting members. The main purpose of this Council was doctrinal, to accept and confirm the Creed, as defined by the five Œcumenical Councils which had then been held, as well as to receive from John the Precentor, as commissary from the Pope, the dogmatic decisions of a recent Council at the Lateran.

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[1] *Early English Church History*, p. 284.

Thus the Church of England, under the splendid leadership of Theodore, had established herself as a distinct province of the Catholic Church, and had settled for herself her doctrines and discipline. There was no interference of the civil rulers, because, whilst the Church was one, the country was still divided into the kingdoms of the so-called Heptarchy. So far the Church was not yet a State Church, but an *imperium in imperio*, or rather *in imperiis*.

There is no doubt that as each kingdom had its bishop, or bishops, it would be felt necessary for the bishop to consult his clergy as to Church work, and very soon the gradual growth of the parochial system, involving a settled clergy, would necessitate the consideration of questions of property, in which kings and landowners would have an interest.

Thus we find, about the time of Theodore's death, a code of laws published by Ina, king of Wessex, and in the preface we see indications of the growing tendency to blend clergy and laity in the decisions of such questions.

The preface reads thus:—'I, Ina, by God's grace king of the West Saxons, with the counsel and with the teaching of Cenred my father, and of Hedde my bishop, and of Eorcenwald my bishop, and with all my ealdormen, and the most distinguished Witan of my people, and also with a large assembly of God's servants, have been considering of the health of our souls, and of the stability of our realm; so that just laws and just kingly dooms might be settled and established throughout our folk,' . . . and then follow the laws, of the rule of God's servants, of children (as to baptism), of working on Sunday, of Church scots, or payments.

Here, for the first time, are King, Witan, and clergy jointly decreeing laws for the discipline of the Church. Church and State have almost become blended, looked upon as one thing with two aspects. Similar are the laws of Wihtred, king of Kent, enacted at a Witan held at Berghamstede in 696. And when the Pope granted a privilege to the twin-monastery of Wearmouth and Jarrow, it was confirmed in the Northumbrian Witan, held in 701.

Particulars of other Witenagemots of Mercia, Northumbria, Kent, and Wessex may be read in the pages of Haddan and Stubbs's *Councils and Ecclesiastical Documents*; everywhere it is the same, King, Witan, and clergy conjointly making the laws for the regulation of both temporal and spiritual life.

We may say then that down to the time of King Alfred there was a co-ordinate jurisdiction of Church and State, each in its own sphere, the King being recognised as the common head.

If appeals to Rome were made, they still had to be allowed by King and Witan, and no decisions from Rome were accepted, except with the consent of these powers.

From the time of Alfred, when the King's power gradually became great on account of the necessity for a strong guiding hand in the struggle with the Norsemen, we find that the Church also was glad to acknowledge royal favour and protection, and the duty of obedience to the civil power was more definitely taught.

The coronation of the King became a very solemn religious rite, and he was invested with a quasi-sacerdotal character, being no longer regarded as merely the chief of the army and the nation, but as the divinely ordained protector of

Church and State. An oath was demanded from him that he would govern righteously, protect God, Church, and People, and rule with justice and mercy. He was anointed, invested with robes bearing a similarity to those of the Church's ministers, and made to sign a record which was solemnly laid upon the altar.

The protective power over the Church thus gained by the King was of great advantage to the Church, for the kings immediately following Alfred gave proof of their care for the Church's welfare. Thus Ethelwulf, by the donation of 855, makes a grant of tithe to the Church, and in return the bishops ordain special prayers to be offered for the King.

Again in 927 King Athelstan issued a tithe ordinance, ordering tithes to be paid of the live-stock and of the year's earthly fruits, first from the King's own property, then from that of the bishops; and the bishops and reeves are to command the same to all who ought to obey them. He orders also that the reeves shall see that 'church-scots' and 'soul-scots,' and 'plough-alms' shall be duly paid at the proper places.[1]

At the same time the freedom of the Church was carefully guarded, and anything like the Erastianism which prevailed in the Byzantine Empire was prevented by the continual assertion of the independence of the spiritual power.

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[1] Gee and Hardy, *Documents illustrative of Church History*, x. and xi.

Thus Archbishop Odo in his Constitutions, issued in 943, charges and commands that the holy Church of God be not attacked by any violence of wicked men; that no taxes shall be imposed on the Church, because the sons of the Church are free from tribute in every country. For Ambrose says that 'The Catholic Church is free from all royal taxation.' Kings and nobles must obey the bishops, be humble, have good counsellors, and be protectors of strangers, orphans, and widows; for it is especially necessary for such men, placed in high estate, to keep the commandments of Christ.[1]

In the appointment of bishops, although they were nominally elected by clergy and people, yet the King often appointed, with the advice of the Witan, or he nominated a person to be elected.

Oswy of Northumbria, and Egbert of Kent, even before this period, had selected Wighard for consecration, 'with the choice and assent of the English Church.'

Offa, king of Mercia, had appointed archbishops whilst master of Kent. From the time of Alfred to that of Ethelred the Unready the bishops and archbishops were commonly chosen by the King, and nominated to the chapters or convents for election.

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[1] Gee and Hardy, *Documents illustrative of Church History*, xii.

After the Danish invasion the appointment by the King became the regular method. Edward the Confessor appointed Robert of Jumièges to Canterbury in spite of the fact that the Chapter had chosen Ælfric. In the assemblies of the period bishops had their seats in the Witan, side by side with secular members, and in the shire-mote they sat with the ealdorman.

The Witenagemots of the ninth and tenth centuries made laws both for civil and ecclesiastical purposes, and the Church gradually ceased to hold its own separate assemblies. 'The union between Church and State was so close that their action in legislation cannot be separated.'[1] Also in the matter of justice to clerical persons, there were during this period no separate ecclesiastical courts. The clergy were tried for civil offences in the same courts as laymen, and for offences purely ecclesiastical the bishop administered Church discipline.

The long contests with the Norsemen, ending in the establishment of a Danish monarchy, were the cause of wholesale degeneracy in the Church. Discipline was relaxed, grave disorders arose, and the State was too much occupied with public defence to pay much heed to Church matters. The condition of things is graphically described in Wulfstan's address to the English, about 1023, where he bitterly complains of the lack of ecclesiastical discipline, and the open disregard of all law by clergy and laity alike.[1]

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[1] Hunt, *History of the Church from* 597 *to* 1066, p. 317.

With the restoration of the old Wessex line in the person of Edward the Confessor there was a temporary return to the old conditions, accompanied by the introduction of foreign influence and customs, preparing the way for the great change made at the Conquest.

Here then we come to the end of the first stage of our inquiry. It was a stage in which Church and State were blended together; the same people were citizens of the State and members of the Church; and as *all* were citizens, and *all* were Church members, what more natural than that they should regard themselves now in one capacity, now in the other, and so make one shire or national meeting serve for purposes both spiritual and temporal. And this was partly the result of the national character and the position of the country.

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[1] The Anglo-Saxon text of this address is in Sweet, *Anglo-Saxon Reader*. A short summary is in Hunt, *History of the English Church from* 597-1066, p. 387. For a translation of the full text, see Appendix B.

The Teutonic race, of which the Angles, Saxons, and Jutes were branches, was ever a democratic race, and had never been subject to the Roman Empire. The other continental nations of the Latin race had been part of the Western Empire, and came naturally under the Papal organisation which succeeded the Empire, whilst the Church and nation of England remained to a large extent isolated from the rest of the Western world. We formed our own civil policy, uninfluenced by Roman law or custom, and although the southern part of England was evangelised by Roman missionaries, and the English Church was organised by Theodore, the fact that a large part of the country had been evangelised from Iona had a great influence in perpetuating a feeling of local independence, and the Church, in its worship, its liturgy, and its customs, was not distinctly Roman nor distinctly Scottish, but a blending of the two. The kings of England considered themselves as emperors, equal in dignity to the Emperor of the West or to the Byzantine Emperor, and this was symbolised by the eagles woven in the coronation robe. So the Archbishop of Canterbury was no mere delegate from Rome, but *Papa alterius orbis*.

And thus the English nation and Church were insular, and clung tenaciously to their insularity. The Church lost by this the advantages of intercourse with theologians of greater culture, but the close association of Church and State gave the Church a great power in moulding national life and character. The strong feeling of the independence and freedom of the national Church acquired during this period was never lost, though dormant for a while, and when the link with the Papacy was once more broken, men looked back to Anglo-Saxon times for the model of a truly national Church.

CHAPTER III

DIFFERENTIATION OF CHURCH AND STATE IN THE NORMAN PERIOD

The new conditions under the Norman kings resulted in bringing England into nearer connection with the Continent, and in consequence the relationship between the English Church and the Papacy became closer.

From the time of Theodore the Papal Primacy had always been acknowledged, but there was no idea of Papal Supremacy or of any right of Papal jurisdiction in England. From the time of Theodore to that of King Offa no Roman legation had appeared in England, and in later times Dunstan boldly refused to obey a Papal sentence.

The Church was strongly and intensely national; indeed it may be said that the Church was the mother of the nation, inasmuch as for a long period it was the only centre of English unity.

Before the establishment of the Wessex supremacy, Englishmen, as citizens, were Mercians, Northumbrians, or West Saxons; as members of the Church they owned one head at Canterbury. And so the Churches, as Stubbs says, were schools and nurseries of patriots, and depositories of old national glories.

The introduction of foreign ecclesiastics, which had already begun under Edward the Confessor, and the closer relations with the Papacy established after the Conquest, brought a certain amount of culture into the Church, helped to destroy some narrowness of view which the isolation of the Church had produced, and led to a broader distinction between Church and State, but made the Church much less national in sentiment.

William the Conqueror very soon perceived that, so long as the Church was the nurse of national sentiment, so long would there always be a spirit of resistance to foreign dominion. Hence he began to substitute Norman abbots and bishops for native ones. The national Witan was not likely to help him in this, and so he applied to Hildebrand, who was then the minister of Pope Alexander II., and *de facto* Pope, for assistance. A Papal legation was sent over, which summoned a council of English bishops, and laid down the doctrine of the rights of Papal jurisdiction, as founded upon the Decretals, claiming the right of the Apostolic See to depose and appoint.

The critical change which assisted William in carrying out his policy was the substitution of Lanfranc for Stigand in the Primacy. William and Lanfranc worked together like two hands of one body, their one aim being to Normanise the English Church, which was equivalent to Romanising it.

But both King and Primate felt that not much could be done until the Primacy of Canterbury was made effective by the final subjection of York, which was accomplished with some difficulty, and thus the whole Church, with its new Norman episcopate, was placed under the powerful wills of William and Lanfranc.

The feudal system also brought about a change in the relations between the King and the bishop. The bishoprics were now converted into feudal tenures, the episcopal estate being subjected to all civil charges and assessments, and the bishops became vassals to the King in respect of this temporal character, whilst in their spiritual character they were suffragans of the Primate.

In the case of the Primate, who received the pall from the Pope, whilst receiving temporal investiture from the King, this double allegiance soon led to complications in consequence of the Papal policy of the great Hildebrand, who became Pope as Gregory VII. in 1073.

There were mutterings of a storm in a letter sent by Gregory demanding a more regular payment of Peter's-pence and a profession of fealty to the Papacy from the King.

William's reply is kingly and very definite:— 'The one point I agreed to, the other I did not agree to. I refused to do fealty, nor will I, because neither have I promised it, nor do I find that my predecessors did it to your predecessors.'[1] William showed plainly by this reply how far he was willing to allow the Papal supremacy, and the position he assumed was more or less maintained by the Norman and Angevin kings. They were willing to be dutiful sons of the Holy Father, but not his vassals.

They did not deny that the Pope was the successor of S. Peter, and that he had some right of supremacy over national churches. But the right was yet undefined, and the action of Gregory seemed to threaten to define it in a sense not agreeable to the rights of kings over their subjects.

The kings of England determined to maintain their royal rights of jurisdiction over all their subjects and over all causes, ecclesiastical and civil. William made this very clear by enacting that no letters from the Pope might be promulgated without royal sanction, and that without such sanction no bishop might punish any vassal of the Crown. Further, no prelate was to leave the kingdom without royal licence, even if summoned by the Pope; and lastly, the King decided, during the great schism, which of the rival popes should be acknowledged. William was much too powerful a potentate to be defied by a pope, and Gregory VII. was too politic to quarrel with such a sovereign, and thus, whilst Gregory was exacting humiliating concessions from the Emperor Henry IV., he thought it wise to leave William alone.

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[1] Gee and Hardy, *Documents illustrative of Church History*, xv.

In a letter to Hugh, Bishop of Die in Burgundy, Gregory remarks that although the King of England does not bear himself in all things so religiously as he could wish, yet inasmuch as he does not destroy or sell the churches of God, exercises a rule of peace and justice among his subjects, and refuses to enter into alliance with certain enemies of the cross of Christ (*i.e.* Henry IV.), he deserves to be treated with mildness and respect.[1] And in Lanfranc William had a Primate possessed of such wonderful tact and discretion that the peace between King and Pope was not openly broken.

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[1] Stephens, *History of the English Church from* 1066-1272, p. 54.

The Pope chafed and protested, Lanfranc pacified with wise words expresssive of his humble devotion to the Apostolic See, whilst he steadfastly supported his king, and the King remained supreme over his people, ecclesiastical and lay.

The genius of the English people expressed itself through William—determined to remain self-governed, willing to honour but not to be dominated by foreign powers. The Norman had brought the Pope with him, but the nature of the soil modified his ideas of allegiance to that potentate; there was an interchange of qualities between Norman and English Churches, as when two fluids blend. The Norman brought better culture and discipline, whilst the English infused its native tone of liberty into the Norman.

In William II. there was the pride of his father without the power, and in his Primate, Anselm, there was the learning and piety of Lanfranc without the tactful diplomacy. And so there was soon a difference, leading to a quarrel.

Before Anselm was enthroned he made demands for the restitution of lands taken from the see of Canterbury during the vacancy, and presumed to differ with the King as to which of the rival popes should be acknowledged. The latter question was evaded at the consecration of the Primate, who simply took the oath of canonical obedience to the Pope without specifying the name. But a year afterwards King and Primate met, when Anselm asked if he might get his pall from the Pope.

'Which pope?' said the King.

Anselm said it was Pope Urban.

The King answered: 'Him have I not acknowledged; and you are as well aware as I am that neither I nor my father have ever permitted any one to declare himself in favour of a pope whose title has not been admitted by us.'

A council of barons and bishops was held at Rockingham to discuss the matter. The council wished the question to be confined to the right of the King to decide which pope should be acknowledged, and to demand submission from Anselm as a feudal vassal. Anselm must first submit to the King's right; the question as to the acknowledgment of Urban or Clement would come afterwards.

But Anselm was obstinate; he confused obedience to the King with disloyalty to the Pope, which was not in question. The question was not whether he should obey King or Pope; all recognised the duty of loyalty to the Pope as well as to the King, but which pope should it be? The council treated it as a question of policy, and Anselm as a question of religion.

The council came to no definite conclusion, and William resolved upon a crafty and shameful device, unworthy of the Conqueror's son. He sent messengers to Rome to find out which of the two popes could be most advantageously recognised: this was found to be Urban, whereupon the King's messengers persuaded Urban to send the pall to the King, so that he might bestow it. The pall was therefore sent by the hands of Cardinal Walter.

The King ordered his subjects to recognise Urban, and then attempted to bribe the cardinal to depose Anselm, promising an annual tribute to the Pope; but the cardinal refused.

Anselm also refused to receive the pall from the King, and the people were indignant at the King's treatment of Anselm, the result being that Anselm received the pall from the Pope's commissioner, and thus the Papacy triumphed.

It was a curious and complex situation; the King was right in asserting the royal prerogative of decision between rival popes; but by his duplicity and obstinacy, comparing so unfavourably with the steadfast persistence of Anselm in what he believed to be the right course, the cause of the Papacy became the cause of the people, as it did afterwards more than once.

The question of royal authority came up again in the reign of Henry I., when Anselm refused to allow the King to bestow the ring and staff on the appointment of a bishop. The King and the barons contended that bishops held their temporalities as a fief from the King, and that the King must invest, and they held this opinion so firmly that they were ready to break off connection with the Papacy rather than give way. Anselm urged in his defence a Canon passed at Rome in 1075, but Henry said, 'What have I to do with a Roman Canon? I will never renounce a right which I have inherited, and no one shall remain in my kingdom who does not do homage to me as his sovereign.'[1]

A Council was held at Westminster in 1107, when the matter was discussed for three days, and it was determined that for the future no one should be invested by the King or by any lay hand in any bishopric or abbacy, by the delivery of pastoral staff or ring, and that, on the other hand, no one elected to any prelacy should be denied consecration on account of the homage done to the King for the temporalities.

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[1] Hook, *Lives of the Archbishops*, vol. ii. p. 243.

Bishops therefore received the ring and staff from the Primate as signs of their spiritual power, whilst they did homage to the King in their other capacity as feudal lords, and thus the spiritual and temporal functions were clearly distinguished. But unfortunately every step in the distinction between Church and State involved a closer connection between the national Church and the Papacy.

There had been no appeal to Rome from the time of Wilfred until William, Bishop of Durham, made such an appeal against William II. Bishop William, however, never reached Rome, but remained in Normandy, and when the King met him there a compromise was made, the bishop being restored to his see. Appeals to Rome became more frequent after this; Anselm appealed in the case mentioned above, when Urban sent a legatine commission to bring the pall.

There was great indignation in England when John of Crema came to England as Papal legate and presided at a Council of Westminster in 1125, for it was the first time a Papal legate had been received. Anselm himself resisted Guido, Archbishop of Vienne, when he landed in England with legatine authority, as it conflicted with his own

Metropolitan authority, but still the process of gradual subjection to Papal jurisdiction went on.

William de Corbeil, Archbishop of Canterbury, next but one to Anselm, secured his appointment by Honorius IV. as Papal legate for England and Scotland, his object in accepting the position being to settle the vexed question of the Metropolitical right of Canterbury over York, as York might yield to a Papal legate the submission which would be refused to the Primate of all England. Yet William did not imagine that he was giving up the rights of his see by accepting the legatine authority, for in calling a Council at Westminster in 1127 the canons were prepared 'by the authority of Peter, the Prince of Apostles, *and our own*.'

It was at the Lateran Council of 1139 that the Pope definitely claimed feudal suzerainty over all the clergy of Christendom, and after that Henry of Blois, Bishop of Winchester, was appointed Papal legate for England, claiming as such precedence over the Primate. Theobald, the Primate at that time, yielded as long as the legatine commission lasted, and then procured the commission for himself. After this it became a custom to appoint the Archbishop of Canterbury as *legatus natus*, and in this way the Pope secured his hold on the English Church, whilst the people were not irritated by the right of foreigners sent as legates *a latere*, and assuming powers over the national episcopate.

Whilst, however, this process of assimilation with the Papacy was going on, the national Church was still active in legislating for its own needs by means of *Councils*. The Primacy of Lanfranc is notable for the number of councils held. Councils had not been so frequent in the period just before the Conquest, because the close union of Church and State had almost merged the Church councils with those of the State. But after the Conquest the Church had its own separate councils, sitting at the same time as the national councils, but quite separate from them. We find something like the present Convocation beginning to take shape in 1085, when, after the Witan had sat for five days, the clergy remained sitting for three days longer.

The Conqueror always took care that he should be kept well informed as to the proceedings of the councils. His son Rufus had no love for Church councils, for when Anselm asked him to give orders for the convocation of a synod, Rufus answered, 'That will I do when I think fit; it depends not on your will but on mine.'[1]

The most important councils of the Norman period were those of London, 1075, which settled the question of the precedence of bishops, transferred several village sees to towns, for instance, Sherborne to Salisbury, Selsey to Chichester, stated the prohibited degrees of marriage, and forbade bishops or abbots to judge in cases involving a capital sentence; Westminster, 1102, which made many regulations as to Simony, archdeacons, the celibacy and the dress of the clergy, slavery and abominable crimes; London, 1107, which decided the dispute about investiture; and London, 1108, dealing with celibacy. At these councils the nobles of the realm were present as hearers and witnesses, but the vote and right of discussion was not allowed to them as in the older days, for it was decreed by a canon of the Council of London, 1075, that no one should speak in the Council, save bishops and abbots, without leave from the Metropolitan.

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[1] Hook, *Lives of the Archbishops*, vol. ii. p. 201.

The Church was slowly but surely establishing her right to discuss and regulate her own spiritual affairs apart from the lay Parliament. And the same process of separation was taking place between the civil and Church courts. The process was begun by a decree of William the Conqueror, quoted by Wilkins and Stubbs, but of uncertain date. In this decree William states that the episcopal laws have not been kept properly nor according to the decrees of the sacred canons, and he proceeds to order a separation of secular from ecclesiastical causes, forbidding the bishop to sit in the Hundred Court, and the sheriff or any other secular officer to sit in the Bishop's Court, but as the bishop had no power of compulsion he might appeal to the civil officers to enforce his decisions on the disobedient.

A clear distinction is made between the *canon law* which should be administered in the Bishop's Court, and the *customary or common law* administered in the Hundred Court; as there were two kinds of law there must be two courts. But the penalty for violation of canon law could only be a spiritual penalty, such as excommunication, suspension, or deprivation of office, and the bishop had no power of enforcing the penalty. If therefore the bishop was defied, he called on the civil officer to enforce.

The result of the growth of canon law was to give to the clergy a more distinctive and definite civil status, and there came into the Church courts a mass of business which before went into the Hundred and Shire courts.

This establishment of separate Church courts had a great effect upon the civil courts—the business in the latter had been conducted in a somewhat rough and ready fashion, and the loss of the services of the clergy, who were mostly well-educated men, left the civil officers, who were often men of very limited education, rather helpless.

The Church formed its courts on the model of those of the Continent, where the highly elaborated legal system of the Roman Empire prevailed. The regularity and order of the Church courts soon came to be imitated by the civil courts, and Stubbs, in his *Constitutional History*, finds some interesting parallels between Church and civil procedure. Spiritual excommunication had civil outlawry as its counterpart; the bishop's visitation was parallel with that of the sheriff; the Metropolitical visitation with that of the Curia or Exchequer; and the territorial divisions of dioceses, archdeaconries, deaneries, and parishes preserved the old and corresponding divisions of counties, ridings, hundreds, and civil parishes.

In fact it was the common Church, as Stubbs says, which combined Norman and English in one service, when law and language, feudal tenure and political influence, would have made two races of lords and serfs; and the action of Lanfranc and Anselm formed the strongest link between the Witenagemot of Edward the Confessor and the courts and councils of the Conqueror and his sons.

Thus then a radical change was brought about in the relationship of Church and State. Hook, in *Lives of the Archbishops*, describes the relationship before the Conquest as similar to that of body and soul, one in action because one entity. The Witan was both Synod and Parliament; treason was heresy, and heresy treason; in the Shire Court bishop and ealdorman were co-ordinate, and in the Hundred Court the rural dean and headborough. After the Conquest the relationship became like that of man and wife in one household. There was greater distinction of function but less harmony, for the question now began to arise, as it arises in households, 'Which shall be master?' State and Church were like a happily united couple under William I. and Lanfranc, but under William II. and Henry I. and Anselm they became like husband and wife at variance. And so we shall find alternate periods of harmony and variance henceforward, the variance being largely the result of appeal to the Roman mother and of her interference.

The work done then during the years which elapsed between the appointment of Lanfranc and that of Theobald consisted in the change from the state of complete union between Church and State, to that of complete separation, Church and State being now two co-ordinate powers, with separate functions well defined. But there were possibilities of disturbance brought about by this change, which soon showed themselves, for the great leaders of the Church, not content with the separation of functions and the co-ordination of powers, thought of establishing a Theocracy, in which the State should be subject to the Church; whilst the popes were ever seeking occasion to bring the Church into subjection to the Papacy. This tendency was aided by the discontent which the native English felt against Norman tyranny.

The oppressed people, seeing the Church so often hostile to the Crown, naturally sided with the Church, and the Church welcomed the sympathy, becoming in turn the champion of the people's rights.

During the period of the Plantagenets many of the people's leaders were clergy, and although at first barons and King held together, the tyranny of Richard I. and John drove the barons to the side of Church and people, a tendency which became stronger when England and Normandy were separated and the barons began to feel themselves Englishmen, and no longer Normans in England.

How closely the cause of Church and people became identified may be seen in the title of the

'Army of God and of the Church,' which took possession of London during the struggle between John, with the Papal party, on one side, and Langton, with the barons and the people, on the other side.

CHAPTER IV

TROUBLES WITH THE PAPACY FROM HENRY II. TO RICHARD II.

THE restless period of Stephen's reign had been fruitful of evils in Church and State. The Church was corrupted by Simony and by malpractices in the spiritual courts, and the Primate, Theobald, was too feeble to redress the wrongs. Henry had chosen as his Chancellor, Thomas Becket, Archdeacon of Canterbury, a man dowered with splendid gifts of body and mind. He proved himself to be capable of fulfilling any duties imposed upon him, and was by turns lawyer, ambassador, soldier, and chief adviser of the King.

Between Becket and the King there was also the intimacy of bosom friends, and Henry might naturally think that when the aged Theobald had passed away no man would serve so well in the Primacy as Becket. It was Henry's wish that Becket should retain the Chancellorship, thus bringing into close juxtaposition the highest office of Church and State. But to his intense disappointment Becket declined to remain Chancellor, and declared that, as the spiritual Head of the Church in England, he could not hold two offices which might sometimes involve the clashing of interests.

He had served the State well; if he must now serve the Church, he must give his whole soul to the work as he had done to the other service. The cleavage between the King and the Primate, begun with the resignation of the Chancellorship, soon grew wider, for Becket claimed the property of the see which had been alienated during the vacancy, and his proceedings for recovery were duly reported to the King. However, there was yet no open breach, although, doubtless, there was on both sides that irritation of spirit which forms so often the basis of a quarrel.

The first open dispute with the King was upon the question of a land-tax payable to the sheriff of each county, and called the sheriff's aid. This tax the King ordered to be paid into the exchequer, thus diverting a local tax to royal use. In opposing this Becket was taking up the cause of the people, who looked upon this charge as an illegal diversion of local revenue. The King was determined, and declared his intention of going on with his demand, whereupon Becket declared that no money should be paid from Church lands.

It is uncertain what the issue was, but Becket had at any rate asserted what afterwards became a principle of the Constitution, *i.e.* that taxpayers should have a voice in the spending of the revenue.

The next dispute was as to the right of the archbishop to excommunicate a tenant-in-chief of the Crown without the consent of the King. The archbishop revoked the sentence he had pronounced on one of the King's tenants, without acknowledging the royal power of veto.

But the crisis came in connection with Becket's claim to withdraw clerics from the jurisdiction of the civil courts. We must remember that the term 'clerk' had a much wider signification at that time than it has now, owing to the number of 'minor orders' then in existence. Many men of doubtful character had obtained the position of 'clerks' by being appointed to some more or less important Church office, and owing to the separation of civil and spiritual courts, and to the gradual accumulation of business in the spiritual courts, it had become notoriously common for these men to be tried in spiritual courts, and to escape the penalties which should have been inflicted, for the spiritual courts could only inflict penance, suspension, or excommunication.

Henry had become impressed with the necessity of remedying this abuse, which had become so flagrant that in nine years from his accession more than one hundred murders, besides multitudes of lesser offences, had been committed by 'clerks.' It was with the view of having Becket's help in reforming this abuse that Henry had wished him to combine the offices of Chancellor and Primate, and on the other hand Becket saw quite clearly that he could not at the same time as Chancellor demand the surrender of criminal clerks to the civil courts, and as Primate refuse that surrender. He must choose between Church and King, between administering civil law and canon law, and he decided to be the champion of the Church and of her canon law.

A case of a 'clerk' guilty of murder brought the question to a clear issue. The King and his justices claimed that a clerk should first be tried by the Church courts, and if found guilty he should be degraded, and then tried as a layman by a civil court. Becket claimed that no clerk could be tried by a civil court for any offence, and argued that if the man were tried and degraded by the Church court, and then tried as a layman by the civil court, it would be unjust, as the person would be tried and punished twice for the same offence.

It would seem to us an easy solution that the cleric should be tried like any other citizen for an offence against the civil law, and that the Church courts should try him for ecclesiastical offences. But the privileges of the clergy had been growing in the Empire from the time of Justinian, and the introduction of the Roman canon law and methods of procedure had involved also the introduction of those privileges of the clergy.

The separation of Church and State brought about by William I. and Lanfranc had created two kinds of citizens, two kinds of jurisdiction, two ruling powers, joined, as we have said, like husband and wife, but having still two separate lives. Thus Becket felt that the claim of the King meant the subjection of the Church to the State.

Men at that time had no idea of rule other than a despotism, and Becket, with most great ecclesiastics of that day, honestly believed that a spiritual despotism was better than a civil one. And the people loved their Church then with a fervour of which we can have little idea now, for they regarded the Church as their shield against tyranny of feudal lords and King.

Hence when Becket raised the cry of liberty for the Church, it was regarded by the people as equivalent to a claim of liberty for the people; if Becket was against the King he must be for the people. Becket did not carry the bishops with him at first; they were in favour of the claims of the King, for they said that the privileges of the clergy involved greater responsibilities, and therefore greater punishment if abused.

But soon the bishops found themselves in a dilemma; on the one hand they were afraid of offending the King, and on the other hand they were afraid of losing their popularity if they offended Becket. And so at length they gave way to Becket, and the cry of 'Liberty for the Church' came to have much the same significance as the cry of 'The Church in danger' in the time of Queen Anne.

The matter was finally settled by the *Constitutions of Clarendon*, sixteen in number, enacting that disputes between laymen and clerks should be decided in the King's Court; clerks accused of crime should be subject to trial by civil courts; dignitaries of the Church might not leave the kingdom without consent of the King; regulations were made as to the treatment of persons excommunicate; as to the trial of laymen in Church courts, the excommunication and citation of tenants of the Crown; as to the ordering of appeals; the liability of Church dignitaries to feudal service; the election of bishops; the protection of nobles from violence of ecclesiastical persons; as to trial for debt; and the ordination of the sons of villeins.[1]

These Constitutions were asserted to be, not any new laws, but the 'customs, liberties, and dignities' of the King's ancestors, now reasserted in consequence of strifes and dissensions which had taken place. Assent was given to them by the two archbishops, the Bishops of London, Winchester, Ely, Norwich, Lincoln, Chichester, Salisbury, Chester, Exeter, Hereford, S. Davids, and the Bishop-elect of Worcester, along with ten earls, twenty-eight barons, and many other magnates and nobles of the realm, as well clerical as lay. But how Becket repented of his acquiescence and resisted the Constitutions is matter of history, and there is no need here to enter into the details of the struggle.

The ideas of King and Primate were absolutely irreconcilable, and when the ideas were represented by two such strong and determined characters as Henry and Becket, a *combat à outrance* was inevitable. Tennyson seems to have well understood and represented the position in his play of *Becket*. He makes the King say:

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[1] See Appendix C.

> 'The Church in the pell-mell of Stephen's time
> Hath climb'd the throne and almost clutch'd the crown;
> But by the royal customs of our realm
> The Church should hold her baronies of me,
> Like other lords amenable to law.
> I'll have them written down and made the law.'

And then Becket speaks:

> 'I serv'd King Henry well as Chancellor;
> I am his no more, and I must serve the Church.
> This Canterbury is only less than Rome.
>
> . . . .
>
> And for these Royal customs,
> These ancient Royal customs—they *are* Royal,
> Not of the Church—and let them be anathema,
> And all that speak for them anathema.'

And again, the fact that the people supported Becket:

> 'The people know their Church a tower of strength,
> A bulwark against Throne and Baronage' . . .
> 'The Church is ever at variance with the kings, and ever at one with the poor.'

The murder of Becket intensified the people's reverence for him, and for long ages to come no shrine was so popular as that of S. Thomas of Canterbury. The murder also had the effect of frightening King and barons, rendering the Constitutions practically inoperative, and strengthening the power of the Church.

But the growth of Church power included also the growth of Papal interference, and the visits of Papal legates became more frequent. Cardinal Hugh came over, at the request of the King, in 1176, to settle the contest for precedence between Canterbury and York, and soon the Pope sent another, Cardinal Vivian, without invitation, whose coming was resented by the King, and he was not allowed to pass on to Scotland until he had taken oath to do nothing contrary to the King's will and pleasure. Indeed the dream of a theocracy, the Church ruling the State, was almost realised in the period between the Council of Clarendon and signing of Magna Charta.

Hugh de Puiset, Bishop of Durham, was one of the two chief justiciars of the realm. Richard Fitz-Nigel, Bishop of London, was Treasurer, and Longchamp, Bishop of Ely, ruled as Chancellor and Chief-Justice; he also obtained the powers of a Papal legate, and as such presided at the Synod of Westminster in 1190.

Hubert Walter, Bishop of Salisbury, and afterwards Primate, accompanied Richard's crusade, and negotiated a truce with Saladin, afterwards leading the English army to Sicily, and frustrating an attempt of John to seize the crown in his brother's absence. Hubert was Archbishop of Canterbury when John at length succeeded to the throne, and did his best to exact from John guarantees of good government. He acted as Chancellor under John, and used every endeavour to check the evil proceedings of the King, who hated him as Rufus hated Lanfranc. John rejoiced at Hubert's death, but found an even greater check in the person of his successor, the great Stephen Langton.

The war between the King and the Primate began this time on the King's side, the King refusing to accept Langton, who was consecrated by the Pope. As John persisted in his attitude, the Pope laid the kingdom under an interdict. John defied Pope and Church still, but began to fear when Pope Innocent pronounced sentence of deposition, and invited Philip of France to invade the kingdom; it was in preparing to resist invasion that John discovered how he had lost the affection of his subjects in his mad defiance of the Church, and like all braggarts when brought to bay, he showed a spirit of craven fear, and tamely surrendered.

On May 15, 1213, he gave up his crown to Pandulf, the Papal legate, and received it again as the proper vassal, promising to pay an annual tribute of one thousand marks to the Pope.

In 1214 John issued an ecclesiastical charter, intending to detach the clergy from the barons: in it he concedes the free election of cathedral and conventual prelates, reserving custody of vacant royal churches, but demanding that leave to elect should be asked from the King.[1] John, however, had gone too far in his subserviency to the Pope, and the eyes of clergy, barons, and people began to be opened to the danger of the loss of national liberty.

The Pope, in return for the royal subservience, gave authority to the legate to fill up vacancies in benefices, and many unworthy men, mere creatures of royal favour, were appointed without consulting the rightful patrons.

Stephen Langton appealed to the Pope against these proceedings, but his appeal was rendered nugatory by the scheming of Pandulf. The indignation of the people was intensified also by the shameless proceeding of the justiciar, Peter des

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[1] Gee and Hardy, *Documents illustrative of Church History*, xxvi.

Roche, a Poitevin, and a willing tool of John's tyranny. The result was a combination of barons and clergy, who forced John to sign the Great Charter.

The clauses of this Charter which affected the Church were as follows:—The liberties of the Church of England were confirmed, especially the freedom of election granted by the Charter mentioned above; the words of the Charter being 'that the Church of England be free, and have her rights intact, and her liberties uninjured.' And again in the final confirmation: 'That the English Church be free, and that the men in our realm have and hold all the aforesaid liberties, rights, and grants, well and in peace, freely and quietly, fully and wholly, to themselves and their heirs of us and our heirs, in all things and places for ever, as is aforesaid.'[1] Thus did clergy, people, and barons unite to force from a weak and cowardly King the Great Charter which secured the liberties of Church and State alike.

But John had no sooner signed than he repented, and began to intrigue with the Pope for the annulling of the Charter. Stephen Langton again stood forth as the champion of liberty. He refused to publish the Papal bulls, and the Papal commissioners declared him suspended. He, however, proceeded to Rome to plead his cause, but John appealed to the Pope, and placed the kingdom under the protection of the Apostolic See. He caused the Papal bulls annulling Magna Charta and suspending Langton to be published, but the bulls were treated by the people with the contempt they deserved.

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[1] *Op. cit.* xxvii.

The deaths of John and of Innocent, occurring almost simultaneously, left Langton free to return and resume his patriotic course. But there was an interval of five years during which two Papal legates, Cardinal Gualo and Cardinal Pandulf, successively ruled England in both ecclesiastical and civil affairs.

At length, however, in 1221, Langton went to Rome once more, and secured three privileges, *i.e.* that the Archbishop of York should not carry his cross outside his own province; that the Pope should not appoint twice to the same benefice; and that during Langton's life no resident legate should be sent to England.

These concessions were wrung from Rome not without difficulty, and Langton had still much trouble in resisting Papal exactions. In 1225 a Papal legate, Otho, demanded, by way of procurations, two marks from every convent in the kingdom. In 1226 he demanded two stalls in every cathedral and conventual church. Then came an order to pay a tithe of all personal property towards the crusade against the emperor; but all these demands were rejected by a council called by Langton at Westminster.

At length, in 1228, Stephen Langton died, to the great loss of Church and State, and there came the long period of national troubles brought about by the partiality of Henry III. for foreign favourites. During this period the Church was in a strait betwixt two powers, King and Papacy, each in turn oppressing it, and squeezing from it all its resources.

The bishops were obliged to give subsidies to the King, as loyal subjects, and although the subsidies were often heavy, they were paid cheerfully, but the subsidies demanded by the Papacy were paid grudgingly or refused.

The clergy of Berkshire replied to the Papal demand by saying that when Our Lord committed the *care* of His Church to S. Peter, He reserved the *ownership* of it to Himself, for He called it 'My Church.' Moreover, He said, 'Whatsoever thou shalt bind on earth shall be bound in Heaven,' not whatsoever thou shalt *exact* on earth shall be exacted in Heaven. And Grosseteste, Bishop of Lincoln, loyal churchman as he was, yet replied to a Papal demand in the memorable words, 'In a filial and obedient spirit I disobey, I refuse, I rebel.'

Yet the Papal demands were ever growing. We have mentioned some of them above, and in 1231 there were five Papal reservations: the bishops were forbidden to exercise the right of presentation until provision had been made for five Papal nominees.

The barons united with the bishops in resistance, and forbade farmers of benefices held by aliens to send the revenues abroad. The King, however, backed the Papal legate, and divided the spoil. In 1240 there came a Papal brief, addressed to the Bishops of London and Salisbury and to the Archbishop of Canterbury, requiring them to provide for three hundred Roman clergy out of the first vacant benefices. By a series of such demands great indignation was aroused, and at length a commission of inquiry was held, when it was reported that the annual income of Italians preferred to English benefices by Papal provisions was 60,000 marks, greater than the revenue of the Crown. A Parliament was held, and an epistle was drawn up, *per regni universitatem*, setting forth the enormous extortions of the Pope, and letters were sent to the Pope—one from the King, warning the Pope of the consequences unless there were some redress, and one from the bishops and abbots, informing the Pope that if the provisions continued the nobles would probably withdraw the endowments.

It was resolved also to send a deputation of bishops to the Council of Lyons to state the national grievance, but those appointed as a deputation hesitated between fear of the Pope and of the barons; some therefore kept at home on various pretexts, and those who did go were intimidated by Papal threats, with the result that nothing was done. Soon after this we find the Archbishop of Canterbury and some bishops waiting upon the King to ask for the restoration of the right of chapters to elect bishops, according to the charters.

Henry acknowledged that he had violated the charters, but, doubtless with a secret chuckle of satisfaction, he reminded the Archbishop (Boniface) and the Bishops of Salisbury, Carlisle, and Winchester how they had received their bishoprics by royal favour, in defiance of the charters, and asked them to begin the proposed reform by resigning their sees, promising them to observe the charters in future. This was an awkward position for the bishops, and they could only reply that the reforms they asked for were not retrospective but future. Thus for the time the King had the advantage, and this reform remained unaccomplished.

Pope Boniface VIII. now adopted a policy which drove King, nobles, and clergy into one hostile camp against the Papacy; in 1296 he issued the bull *Clericis Laicos*, which claimed that, as spiritual suzerain, the Pope had authority over all the property of the Church in every part of the civilised world. This involved the power of taxing the clergy; and the clergy were forbidden to tax themselves, or to employ the property of the Church for the purpose of the State, unless the authority of the Pope were first obtained. The bull was published in England by Archbishop Winchelsey in January 1297.

The King had demanded a subsidy from the clergy in 1295. The clergy did not give him as much as he asked, but he accepted what they offered for that year, and the next year renewed his demand at a Parliament held at Bury St. Edmunds.

At the same time the Primate summoned a Convocation, and it is interesting to note that this was the first occasion on which the name 'Convocation' was used to describe the Parliament of the Church. Four points were put before

Convocation:—(1) Whether the subsidy had been already promised; (2) Whether, if the promise were made, it was binding after the issue of the bull *Clericis Laicos*, though the bull had not yet been published in England; (3) Whether, supposing the bull obligatory, the peril of the country could not justify a violation of it; (4) Whether the resources of the Church had not been exhausted by recent subsidies.

After some discussion Convocation was adjourned till the following January, when it met again in S. Paul's, London. The archbishop then produced the bull, and the clergy were in a panic, between fear of the King and of the Pope. The King's commissioners came to hear the decision of Convocation, and were told by the archbishop that there were two lords, temporal and spiritual, and that obedience was due to both; that when the authority of the two lords was divided and clashing, then they must obey the spiritual in preference to the temporal. He stated, moreover, the substance of the bull, and asked the commissioners to tell the King that the clergy would send to Rome for permission to make a grant. The matter being referred to the judgment of the chief justiciar of the King's Bench, sentence of outlawry was pronounced upon the clergy refusing to pay.

The bishops were robbed on the highway without hope of redress, and found their houses wrecked, and the property of Archbishop Winchelsey was sequestrated for the King's use. But at length two friars produced strong arguments to show that the clergy might legally be compelled to contribute from Church property for the service of the King, in spite of the prohibition from Rome. So the archbishop left the clergy to use their own discretion, and some paid whilst others allowed the King's officers to seize their goods. In the end a compromise was made, by which the clergy gave the aid, and the Pope declared that his prohibition did not apply to voluntary grants, whilst the King confirmed the charter of liberties.

Such proceedings as these produced in the minds of statesmen a determination to limit the power of the Church to acquire property. The strongholds of Papal power were the monastic houses, and it became notorious that these houses were gradually acquiring a large proportion of the landed property of the country. Therefore, to check this tendency, the Statute of Mortmain was issued in 1279.

The Statute begins by the statement that former provisions whereby it was made illegal for 'religious' men to hold lands without licence had been evaded. It then ordains that 'no person, religious or other, whatsoever he be, presume to buy or sell any lands or tenements, or to receive them under the colour of gift or lease, or any other title, whatsoever it be, or by any other craft or device appropriate them to himself, under pain of forfeiture of the same, whereby such lands or tenements may in any wise come into mortmain.' It then provides that the King or other chief lords may take possession of the land so alienated, and that if the chief lord immediate be negligent to do this within a year, then the next chief lord immediate may take possession, and if all the chief lords be negligent, then the King may take possession.[1] The right of the civil power to supersede the transference of landed property, and to prevent its undue accumulation by the monastic orders and other corporations, was thus clearly established.

In 1285 Burnell, Bishop of Bath, was Chancellor, and he drew up the writ *Circumspecte Agatis*, which defined the powers of ecclesiastical judges, and confined their jurisdiction to purely spiritual discipline. A clerk guilty of felony and handed over to the ordinary on his demand should not be released without sufficient evidence of witnesses in his favour. It defined also the exact relation between the Diocesan Courts and the Court of Arches.

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[1] Gee and Hardy, *Documents illustrative of Church History*, xxviii.

CHAPTER V

BEGINNINGS OF CONSTITUTIONAL CHURCH GOVERNMENT

THE State had now become stronger by virtue of its adoption of parliamentary government. Instead of the old Witan or Council, consisting of King; lords, and clergy, there had been established a Parliament of King, lords spiritual and temporal, and elected representatives of shires and boroughs, and along with it a Convocation including elected proctors, or representatives of the parochial and cathedral clergy. The change, however, from Council to Parliament and Convocation was gradual, and our Constitution did not spring ready-made from the brain of Simon de Montfort, but was the result of a natural process of evolution.

The old councils had been gatherings of *estates* or classes—King, barons, bishops, abbots, priors, etc. When the knights of the shire and burgesses of the boroughs were called, the character of the new assembly became double—it was an assembly of *estates*, and also a representation of *districts*; it represented class in one way, and territory in another. Convocation is purely an assembly of estates or classes.

At first, then, there was little or no distinction into 'Houses of Parliament' and 'Houses of Convocation,' but all sat together in one great body, as the older councils, although sometimes dividing and consulting apart, Lords temporal by themselves, Commons by themselves, and bishops and clergy by themselves. The growth and gradual separation of the Houses is traced by Stubbs (*Constitutional History*), from which the following summary has been drawn.

During the reign of Henry II., Richard I., and John, there was a National Council, consisting of archbishop, bishops, abbots, priors, earls, barons, knights, freeholders (holding in chief of the Crown). Of the last two classes only a few could attend, and they were separated from the others by the fact that they were summoned by general writ addressed to the sheriffs, whereas the others were summoned by special writ.

In one or two cases, before the end of John's reign, the summons to the sheriff had prescribed a form of representation, by which the attendance of elected knights from each shire was substituted for the general summons of all the minor tenants-in-chief, or freeholders. This probably afforded a precedent for the plan adopted by Henry III. As to the clergy, their relation to the general body of citizens was threefold, and the result of this threefold relation was a threefold organisation.

The higher clergy, holding their lands as baronies, attended the King's court like other barons. The general body of the clergy, as a spiritual organisation, met in Diocesan and Provincial Synods, and sometimes in a National Council, although it became difficult to hold a National Council after the independence of York had been vindicated by Thurstan, owing to the jealousy of the two Primates; such a gathering became possible only when a Papal legate came and superseded both archbishops. The monastic orders had also their provincial and general chapters.

It will be noted, in view of what we may say later, that these councils and synods were purely clerical, without any lay representation added, the reason being that the whole body of the laity were then members of one Catholic Church, and lay influence was expressed in Parliament, which, in dealing with Church questions, became a 'House of Laymen.' But if the laity had a right to discuss questions affecting the Church, of which they were all members, the clergy also had a right, as an estate possessing taxable property and class interests, to a voice in general affairs, and therefore Edward I. organised the clergy as a portion of his Parliament, by the insertion of the *præmunientes* or forewarning clause in the writ of summons addressed to the bishops. Thus we have the threefold organisation of the clergy—(1) The bishops, as feudal barons; (2) The whole clerical body, as an organisation for spiritual work; (3) The clergy, by representation; the whole forming part of the legislative body of the State.

Bishop Stubbs finds some interesting analogies between the legislative bodies of Church and State, and thinks that the forms of Church government served largely as models upon which the State built up its Constitution.

Thus the Diocesan Synod corresponds to the County Court, the old Shire-mote; the Provincial Convocation answers to the occasional divided Parliament; and the National Church Council to the general Parliament. The practice of representation appears nearly at the same time in the Church Council and in Parliament.

The transition from particular consent to general consent in matters of taxation is marked in both cases. If the clergy had been willing to vote taxes in Parliament instead of in Convocation they might have been involved in a perpetual struggle for equality with the Commons, which would have left them at the mercy of Crown and Baronage. By taking their stand on their spiritual vantage-ground they lost much of their influence in the Parliament, but so long as bishops and abbots sat with the baronage and enjoyed a monopoly of the highest offices of State, they retained more than their share of political power. On the other hand, their resolution to grant money only in Convocation secured for them a right of meeting whenever Parliament was called for the same purpose, and that right of meeting involved the right of petition, and, within certain limits, of legislating for themselves.

The stages by which the final constitution of Convocation was reached were as follows:—

1225.—Stephen Langton directed the attendance of proctors for the cathedral, collegiate, and conventual clergy, in addition to bishops, abbots, priors, and archdeacons.

1254.—The prelates refused to include the secular clergy in a money grant without their consent, and a National Council was summoned in consequence.

1255.—Proctors of the parochial clergy in several archdeaconries presented their *gravamina* in Parliament, but it is not clear that the representative principle was as yet regarded as an integral part of Convocation.

1258.—Archbishop Boniface directed that archdeacons should be furnished with letters of proxy from the parochial clergy, and so empowered they attended the council at Merton, which was held preparatory to the 'Mad Parliament' at Oxford.

1265.—Simon de Montfort's Parliament contained cathedral deans and priors, as well as prelates. In the same year Henry III. summoned proctors for cathedral chapters to the Parliament of Winchester.

1273.—Archbishop Kilwardby summoned the bishops, with an order to bring with them three or four of their principal clergy.

1277.—The same prelate included in the summons the greater persons of the chapter, the archdeacons, and the proctors of the whole clergy of each diocese, but without prescribing the number or the mode of nomination.

1282.—The proctors of chapters were summoned to Parliament at York and Northampton.

1283.—Archbishop Peckham prescribed the number of proctors and mode of nomination. In the same year a council was held at Northampton, in January, by the king's writ, and it was determined to call a Convocation of clergy at the New Temple three weeks after Easter.

The rule devised on this occasion was expressed in the writ:—'Each of the bishops, as was provided in the said congregation, shall about the aforesaid day cause the clergy of his diocese to be assembled in a certain place, and shall there have carefully expounded to them the propositions made on behalf of the King, so that at the said time and place at London, from each diocese two proctors in the name of the clergy, and from each cathedral and collegiate chapter one proctor, shall be sent with sufficient instructions, who shall have full and express power of treating with us and our brethren upon the premises, and of consenting to such measures as for the honour of the Church, the comfort of the King, and the peace of the realm, the community of the clergy shall provide.'

There arose a difference of usage between the province of York and Canterbury as early as 1279, York having two proctors from each archdeaconry, and Canterbury two from each diocese, a difference which continues to the present day.

1294.—Edward I. called what may be termed a clerical Parliament at Westminster, apart from the other two estates, and at a different time, the clergy to meet on the 21st September, the laity on the 2nd November.

1295.—Edward incorporated the three estates, clergy, lords, and commons, in one assembly, and adopted for the representation of the clergy the method of 1283. Yet, although clergy and laity were united in one Parliament, the distinction of orders was preserved.

1297.—The archbishop's writ is called *Citatio pro Convocatione*, and the word Convocation has ever since been used to designate the meeting of the clergy.

A form of summons like that now in use begins to appear in 1295, when we find the *præmunientes* clause, ordaining the election of proctors, running as follows:—'We command you (*i.e.* the archbishop) by the faith and love whereby you are bound to us, firmly enjoining that on Sunday next after the Feast of St. Martin in the winter next and to come, you be present in person at Westminster, forewarning (*præmunientes*) the prior and chapter of your church, the archdeacons, and all the clergy of your diocese, causing that these same priors and archdeacons, in their own persons, and the said chapter by one, and the same clergy by two proctors, having full and sufficient authority from the chapter and clergy themselves, be present with you, by all means, then and there to discuss, ordain, and do with us and the other prelates and nobles and other inhabitants of our realm, in what manner we are to meet such perils and evils devised.—Witness the King at Wengham, the 30th day of September.'

A similar writ was sent to the Archbishop of York, and from this time Convocation is definitely established as a part of the Constitution, and so it remains.

Careful consideration of this summary of the growth of Convocation shows us that, just as was the case with the Parliament, the principle of representation was not an invention of a clever politician, but an evolution proceeding side by side with the growth of national life. There was first the National Council of bishops, beginning in the time of Theodore. The bishops began to associate with themselves skilled theologians of the lower order of the ministry, not as voters but as advisers. Then to the bishops there were added the chiefs of the regular or conventual clergy, abbots, priors, with deans and archdeacons.

The next step was the imposition of legatine authority, the Legate calling Councils and presiding over them, thus taking away their national character. This was partly remedied by the legatine commission being given to the Archbishop of Canterbury. Still, however, the King maintained the right to consent to the decisions of these legatine Councils, and their decisions could not be put in execution without royal consent. And it would appear that, just as the royal choice of unworthy foreigners to assist in ruling England led to the establishment of a representative Parliament for the State, so the national dislike of foreign interference, together with the shameful surrender of King John to Papal claims, led to the corresponding establishment of representative government for the Church.

Thus at length the Three Estates of the Realm were clearly differentiated in power and function. These Three Estates are often spoken of as 'King, Lords, Commons,' which is quite erroneous. The Three Estates are (1) Lords Spiritual, the visible and official embodiment of the Church; (2) Lords Temporal, the embodiment of the baronage; (3) The Commons, *i.e.* the whole people outside the other two estates, as represented in the House of Commons.

By analogy then, as the Lords Temporal associated to themselves the Commons in their work of legislation for the State, so the Lords Spiritual associated to themselves the representatives of the lower clergy in legislating for the Church. And until the Act of Toleration the Parliament formed a kind of House of Laymen, accepting and confirming Church legislation, but claiming no power to initiate.

Since this settlement it has not been competent for Parliament to legislate in Church matters without the assistance of Convocation, any more than for Lords or Commons to legislate separately. Parliament *has* done so, in recent times, but its action has been in each case a violation of the National Constitution.

Convocation was badly led by Archbishop Winchelsey in the matter of the bull *Clericis Laicos*, to which we have referred, and statesmen saw that the laity must be protected by the State against Papal aggression, where the clergy showed themselves subservient to Rome. An occasion soon arose for this assertion of the rights of the State, for in 1299 Pope Boniface VIII. issued a bull claiming Scotland as a Papal fief, and forbidding Edward to attack the Scots.

In reply to the bull a letter was drawn up by the barons in the Parliament held at Lincoln in 1302. The letter begins by giving the names of one hundred and four earls and barons, who profess devotion to the supreme pontiff, and 'devoutly kiss his blessed feet.' They acknowledge that the Roman Church usually acts for the benefit of the Church, but respectfully protest that the recent bull has caused surprise by its demands concerning Scotland, which never owned the suzerainty of Rome, but only of England. 'Neither did the kings of England answer, nor ought they to answer, concerning their rights in the aforesaid kingdom (Scotland), before any judge, ecclesiastical or secular, by reason of the pre-eminence of the estate of their royal dignity and custom, unbrokenly preserved at all times. . . .' 'Wherefore, . . . our lord the King . . . shall in no wise answer judicially before you, nor undergo judgment in any matter whatsoever, nor bring into doubtful questioning his rights aforesaid. Neither shall he send into your presence proctors or nuncios for that purpose, especially where the premises should manifestly tend to the disherison of the right of the Crown of the Kingdom of England, etc.'[1]

The Parliament of England was now engaged in a continuous struggle against the Papacy for the independence of both Church and State. The next great step was taken in the Parliament of Carlisle in 1307, to prevent the taxing of English monastic houses by the continental houses of which they were branches. The statute states that many nobles of England had given lands and founded houses to the honour and glory of God, for the advancement of learning and piety, and for the relief of the distressed, but that certain of them, the Cluniac, Cistercian, Premonstratensian, Augustinian, and Benedictine, being branches of great foreign houses, had been obliged to pay large sums to these foreign houses, with the result that money was diverted from the uses of charity, religion, and hospitality, and that great scandal had arisen thereby. The King therefore proposed to remedy this by ordering that no money should be sent abroad from these houses, and that no abbots, priors, masters, or wardens should leave the country nor carry goods abroad. Moreover, that no tallage, payments, charges, or burdens should be laid upon English houses by foreign ones. And to prevent any evasion of this it was further ordered that all houses should have a common seal, to be kept in custody of the prior, and that no writings, deeds, or covenants should be legal without this seal. Heads of foreign houses might visit their branch houses in England for disciplinary purposes, but were strictly forbidden to carry any property back with them.

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[1] Gee and Hardy, *Documents illustrative of Church History*, xxxii.

The monastic houses, both those of native growth and those which were branches of foreign houses, were all more or less Papal garrisons, because they obtained exemption from the control of the English bishops, and were more or less directly under the jurisdiction of Rome. From this time we may date a growing division between the parochial clergy and the monastic clergy, the parochial clergy becoming ever more intensely national, and the monastic clergy becoming more devoted to the Papacy, to which they looked for protection. This was intensified by the growth of the friars, at first popular amongst the peasantry because of their more homely style of preaching, but ever disliked by the parish priests because of their irregular interference with the parochial duties of the parish clergy. There were at that time, just as in later days, frequent causes of misunderstanding between priests and people, and too often the popular village agitators against the clergy would use the services of wandering friars as a welcome aid, so that often the friars seemed to act in country parishes much as the Methodist local preachers of the last century did, voicing the discontent of the people with constituted spiritual authority, and supplying to that discontent a spiritual authority which for the time was more acceptable, and claimed higher sanction, as well as making pretence to the possession of a better faith and life.

Here, then, we enter upon a period when the State was beginning actively to resist the encroachments of the foreign Papal power, and the Church was being gradually divided into two parties, the one anxious to maintain the true independence of the Church, both of State and Papal control, the other constantly insisting that the spiritual independence of the Church could only be maintained by the help of the Papacy.

It was in the dark days of Edward II., when the arms of England had been disgraced at Bannockburn, and the land was torn by civil strife, that the Church secured a kind of Concordat with the State by the *Articuli Cleri* of 1316. They enact what had been enacted before by the writ *Circumspecte Agatis* of 1285, but had been ignored, guaranteeing also the freedom of ecclesiastical election, allowing beneficed clerks who were also engaged in the service of the State the privilege of non-residence, and fixing the limits of the sheriff's power of distraint on the property of the clergy. They correct the abuse which had grown up of imposing on monastic houses the payment of pensions, in consequence of which the work of the house very often could not be carried on; no privilege of exemption from spiritual censure might be claimed by tenants-in-chief; the examination as to fitness for a benefice should be by a spiritual judge, and not by a lay person; and clerks accused of felony and claiming the privilege of the Church should not be compelled to abjure the realm and so become outlaws, but should have justice, according to previous charters.

But disorders in both Church and State grew apace during this miserable reign, and the people's love for the Church was sorely tried by the time-serving policy of a weak generation of bishops. The Bishop of Exeter was barbarously beheaded by a London mob, and other bishops, weakly vacillating between support of the falling King and of his enemies, earned the contempt of the people, giving rise to the formation of an anti-clerical party, which became rapidly anti-Papal when it was discovered how much of the weakness of the bishops was due to influence coming from the Papal Court at Avignon, to which, in spite of charters and constitutions frequently made, constant streams of money were ever flowing.

The monastic houses shared with the Papal Court the suspicion and dislike of the people, and attacks were made upon the great abbeys of Bury St. Edmunds and St. Albans, as well as upon the

Cathedral of Canterbury, which had a monastic chapter.

When we come to notice the great act of the dissolution of the monasteries by Henry VIII., we may wonder why the people should have allowed such wanton robbery with so little protest. To understand it we need to look back to the middle of the Plantagenet age, where we see the beginning of the end. From this time, when the people realised how the monasteries had become country-houses, possessed by men who had all the advantage of landed property and declined to share the burdens which the land should bear, who spent for their own pleasure or sent to Avignon or Rome what should have gone to help the nation, and thereby threw greater burdens upon their neighbours, the spiritual character of the monasteries began to be lost sight of, and they were looked upon more and more as unproductive encumbrances.

The results of the disorder which were fostered in the reign of Edward II. were perceptible far into the reign of his son. The old-time reverence for Church and clergy was departing, and men were beginning to laugh at spiritual censures, and to treat clergy and sacred things not only with freedom but with contempt; the age of faith was passing already.

The most powerful attack yet made against Papal exaction was that of the Statute of Provisors, passed in 1351, and again in an enlarged form in 1390. The term 'Provisors' refers to the *provision* made for filling up vacant benefices.

The second Statute, of 1390, begins by reciting the purpose of the Statute of 1351, stating that various benefactors had founded churches and religious houses for works of charity and religion, and for the benefit of the souls of the founders; that when such benefices were void they ought to be in the hands of the King or of his nobles; that the Pope had assumed the right of presentation in many cases, and had filled the benefices with aliens; that the King wished to have good churchmen for his officers, but the appointment of aliens by the Pope had deprived the King of the services of good men, and had diverted much money abroad; that the Pope had granted many benefices on condition that the first-fruits should be given to him. It was therefore enacted 'that the free elections of archbishops, bishops, and all other dignities and benefices elective in England, shall hold from henceforth in the manner as they were granted by the King's progenitors, and the ancestors of other lords, founders'; that where the Pope does provide, the King shall present; that if holders of advowsons do not present within six months, the King shall have the right of presentation; that the penalty of imprisonment is awarded to any one by provisors disturbing free appointment; that if any one procure appointment from Rome against the lawful holder of the advowson, and cannot be found and brought to justice, he shall be outlawed; that when benefices are occupied by provisors declared illegal, the King shall take the profits until a lawful appointment be made, except in the case of colleges or convents belonging to abbeys or priories, in which case the profits to go to the colleges or convents; that if any accept benefices unlawfully, and be beyond sea, they shall be banished the realm; that the statute be not retrospective in operation; that penalties of one year's income or one year's imprisonment are imposed upon persons clerical or lay who sue to Rome for provisions contrary to this statute; penalties also for bringing into the kingdom any summons, sentence, or excommunication, in contravention of the statute, and for any prelate attempting to execute such summons, sentence, or excommunication.[1]

The effect of this great statute was to stop the practice which had grown up at Avignon of rewarding favourites by giving them valuable benefices, and sometimes these favours were procured by shameless bribery of the Papal courtiers, so that England was really in danger of becoming the dumping-ground of foreign ecclesiastics who had money but no brains, and of others who had wearied the Pope, as the poor widow did the unjust judge, by persistent petition, and were sent to a distance to be got rid of.

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[1] Gee and Hardy, *Documents illustrative of Church History*, xxxix.

A great deal of the influence thus taken from the Pope came to the King, who could now take care that the bishops, who played a very important part in Parliament, should not be hostile to himself. A change was also effected in the manner of electing bishops, the chapter electing a person nominated by the King and approved by the Pope. But the double rule of Pope and King produced difficulties which led to strife, for when the King's decisions displeased, the disappointed suitors often appealed to the Pope, and the consciousness of the existence of a foreign power which could override the King was galling to a nation now feeling its freedom developing through the slow but sure growth of its constitutional Government.

Hence it was felt that to make the Statute of Provisors effective there must be legislation to prevent the prelates and others appealing from the King to the Pope: this was the purpose of the Statute of Præmunire. The statute does not mention the Court of Rome, but simply states that complaints have been made that many have been called out of the realm to answer plaints which might have been tried in the King's courts, and that judgment had been given abroad which contravened the judgment of the King's courts.

It therefore enacted that those who appealed out of the realm should answer for contempt before the King in council, and the penalty for default should be forfeiture of lands and goods, with imprisonment, and outlawry if they have fled the country, the outlawry to be saved if they appeared within two months.

The statute was passed again, in an enlarged form, in 1393. In this second statute definite allusion is made to the Pope:—'Of late divers processes are made by the Holy Father the Pope, and censures of excommunication upon certain bishops of England, . . . to the open disherison of the said crown, and destruction of our lord the King, his law, and all his realm, if remedy be not provided'; the Pope has also appointed and translated prelates without the King's consent, a proceeding which tends 'to the final destruction of the same realm; and so the crown of England, which has been so free at all times, that it has been in no earthly subjection, but immediately subject to God in all things touching the royalty of the same crown, and to none other, should be submitted to the Pope, . . . to the perpetual destruction of the sovereignty of our lord the King, his crown, and his royalty, and of all his realm, which God defend.' The Commons therefore promise to aid the King against such usurpation, and ask him to consult Parliament as to the means of resistance. The lords temporal promise to assist the King; the lords spiritual will neither affirm nor deny the Pope's power to excommunicate or translate, but they allow that the same is against the King's dignity and crown. It is therefore enacted finally that all who purchase, or pursue, or cause to be purchased or pursued, any translations, processes, excommunications, bulls or other instruments, shall be proceeded against by *Præmunire facias*, as provided in the previous statute.[1]

One more important law, made in the Parliament of 1366, decreed that the Pope should not tithe nor toll in the realm of England, and further, that the agreement of King John to pay one thousand marks every year to the Pope was illegal, and contrary to his coronation oath, and made without the consent of the nobles. The Parliament therefore bound itself to support the King in resisting this, and withheld the contribution of Peter's-pence.

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[1] Gee and Hardy, *Documents illustrative of Church History*, xl.

By this series of acts the Parliament of England had aided the Church of England in its struggle to maintain its national character as against the constant encroachments of the Papacy.

The Church, in its efforts to maintain its independence of royal authority, had gone to Rome for aid, which had been given in such a way as merely to shift the royal yoke and substitute the Papal yoke. As the clergy were unable to move the Papal yoke, the laity, through Parliament, took up the work, and as the result of this series of statutes there was now, at the end of the reign of Richard II., in theory at least, a free Church in a free State, both Church and State having a definite and separate machinery of government.

We may be thought inconsistent when we come, at a later period, to notice the iniquity of laws forced by Parliament upon an unwilling Church, whereas now we freely acknowledge the great benefit of the Plantagenet legislation. But the inconsistency is soon seen to be apparent only, when we consider that in Plantagenet times there was but *one Church*, and members of Parliament were representatives of the laity of the Church. The Parliament was then, in fact, a real House of Laymen, and its legislation was the assertion of the right of the laity to defend the Church against usurpation of power either by the Pope or the King. And this solicitude of the Parliament arose from the very interesting fact that during the fourteenth century the people of England were more devotedly attached to their Church than at any time since. The parish church was the centre of the whole life of the people; the trade guilds were not complete without their own chapels and chaplains; and the people took delight in beautifying their churches. They showed confidence in the Church too by a decided preference for Church courts over civil courts, in the settlement of disputes. Even in the civil courts there seem to have been as many clerical as lay lawyers; the higher clergy studied civil law, and the lower clergy, often debarred from promotion by marriage, studied canon law, and practised in the ecclesiastical courts. And there were a great many causes brought before ecclesiastical courts which would now come before civil courts, from the very fact that religion penetrated more into everyday life than it does now. For instance, matrimonial causes came before ecclesiastical courts, because marriage was a sacrament; cases resulting from contracts made with an oath, because the breaking or keeping of an oath was a matter of religion; wills, because they were generally made by clergymen.

Looking into the higher ranks we find that the great offices of State were mostly filled by the clergy; the chief State officers under Edward III. are given by Hook as follows:—

Lord Chancellor—Simon Langham, Archbishop of Canterbury; Keeper of Privy Seal—William of Wykeham, Archdeacon of Lincoln; Master of the Rolls—David Miller, Parson of Somershan; Chancellor of the Exchequer—William, Archdeacon of Northampton.

Thus the interests of Church and State were very closely blended by the fact that so many Church officers were also State officers, and this perhaps had a tendency to make the Church increasingly national and more anti-Papal.

During this period the higher clergy were notoriously anti-Papal, and Papal power was recognised simply because of feudal ideas. The Pope was suzerain over the clergy of Europe as the Emperor was over the Landgraves and Margraves of the Empire, or the King over the barons in England.

As the power of feudalism became weaker through a variety of circumstances, notably Wat Tyler's rebellion and the Wars of the Roses, so Papal suzerainty became weakened. The gradual loosening of the bonds between the Papacy and the English Church, ending with the final severance at the Reformation, was part of a great movement away from feudalism.

Thus, then, at the end of the Plantagenet period Church and State were both hostile to the Papacy, and both joined in efforts to reduce its power, whilst each had its own well-defined powers expressed respectively by Parliament and Convocation, and each had its own courts. But a further cause of the power of the Church in the State lay in the fact that great Church officers were also great State officers. There was danger in this, for there was a tendency for the State to become subject to the Church, and the danger began to be apparent, as we shall see, when the barons became absorbed first in the wars with Rome and then in the Wars of the Roses, thus leaving none but churchmen to carry on the work of the State.

CHAPTER VI

GROWTH OF ABUSES IN THE LANCASTRIAN AND YORKIST PERIOD

During the last quarter of the fourteenth century there is a perceptible weakening of the affection felt by the people for their Church. This was caused by the abuse of State power in the hands of ecclesiastics, the increasing exactions of ecclesiastical courts, which had abused their popularity, the degeneration of the friars, and the growth of Lollardism.

The resentment against these abuses is illustrated in the literature of the time, as, for instance, *The Canterbury Tales* of Chaucer, notably 'The Friar's Tale' and 'The Sompnour's Tale.'

The Friar tells of the exactions of the Archdeacon's Court:

'An archdeacon, a man of high degree,
That boldly did execution
In punishing of fornication,
Of witchcraft and avouterie,

Of church-reeves and of testaments,
Of contracts, and of lack of sacraments,
Of usury, and of simony also;
. . . .
For small tithes and small offering,
He made the people piteously to sing;
For ere the bishop hent them with his crook
They were in the archdeacon's book;
Then had he through his jurisdiction
Power to do on them correction.'

The Sompnour, or archdeacon's official, replies with a tale much to the disadvantage of the friars, in language too coarse for modern ears. But the most scathing exposure of abuses is to be found in Langland's *Piers the Ploughman.* He pictures the clergy leaving their cures to monks, and going away to make money in the courts. They go to London:

'And sing there for simony: silver is sweet;
Bishops and bachelors, both masters and doctors,
That have cure under Christ, and crowning in token,
Be charged with Holy-Church Charity to till,
That is leal love and life among learned and lewed;
They lie in London in Lent and elsewhere.
Some serve the king, and his silver tell,
In the chequer and the chancery, challenging his debts,
Of wards and ward-motes, waifs and strays.
Some are as seneschals and serve other lords,
And be in stead of stewards, and sit and judge.'

No men, says the Ploughman, are harder and more hungry than men of Holy-Church, nor more hard and avaricious when in great power, more unkind to their kindred and to poor Christian folk. Conscience tells the King that if the clergy do not mend, their covetousness will pervert his kingdom and injure Holy-Church for ever.

There is one passage which came in later days to be looked upon as prophetic, expressing the deep longing of the people for reform, and their strong faith that reform must come:

'And yet shall come a king and confess you all
And beat you, as the Bible telleth, for breaking of your rule,
And amend you, monks, monials, and canons,
And put you to your penance *ad pristinum statum ire,*
And barons and their bairns blame you and reprove;
Hi in curribus et hi in equis; ipsi obligati sunt, et ceciderunt.
Friars in their fratry shall find that time
Bread without begging to live by ever after,
And Constantine shall be their cook and coverer of their church.
For the Abbot of Abingdon and the abbess his niece
Shall have a knock of a king and incurable the wound.
And ere that king come, as chronicles men told,
Clerks and Holy-Church shall be clothed anew.'

The Lollard Conclusions, which are said to have been presented to Parliament in 1394, express the strong feeling of the people against the growing wealth of the clergy:—

'That when the Church of England began to go mad after temporalities, like its great stepmother the Roman Church, and churches were authorised by appropriation in divers places, faith, hope, and charity began to flee from our Church, because Pride, with its doleful progeny of mortal sins, claimed this under title of truth.'

'That King and bishop in one person, prelate and judge in temporal causes, curate and officer in secular office, puts any kingdom beyond good rule. This conclusion is clearly proved because the temporal and spiritual are two halves of the entire Holy-Church. And so he who has applied himself to one should not meddle with the others, for no one can serve two masters.'[1]

So we have the old story of a noble idea becoming degenerate by abuse. The Church won the people's favour by being the champion of the people's rights, but lost that favour by using it as a means of enrichment. And now England was governed by a King with a weak title, and he must turn for support to those who had power. So Henry IV. turned to the Church, and to secure its support he persuaded Parliament to pass the Statute *De Hæretico Comburendo*, for the suppression of Lollardism.

By this Statute it is recognised that the Parliament is to assist the Church in the repression of heresy. The heretic is to be tried and condemned by the spiritual power, but as this power can only inflict spiritual penalties such as excommunication, the condemned person is to be handed over to the civil power for punishment.

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[1] Gee and Hardy, *Documents illustrative of Church History*, xli.

The powers of civil and ecclesiastical courts were here incidentally defined, but an ill precedent was created, for it was the beginning of a long course of meddling with Church doctrine on the part of Parliament. Not before had the State offered to punish ecclesiastical offences with civil penalties, and what was now done was exactly what Becket had protested against. He contended that to punish a man with the condemnation of the Church and then hand him over to the secular power was unjust, for it involved the infliction of two penalties for one offence. And now the Church joined with the State in doing this very thing, not perceiving that the ultimate consequence must be that the State would not consent to remain merely the Church executioner, but would seek to become its ruler. The tendency soon showed itself in the ominous threat of Parliament to disendow the Church.

Lollardy was only a symptom of the general discontent, and where its peculiar doctrines were not received its spirit had penetrated men's minds.

But now Henry v. became busied with his French war, and his successor was distracted by the disputes which led to the Wars of the Roses, and amidst the confusion King and Parliament had not much time to devote to Church affairs.

Hence the Church, neglected by King and Parliament, and feeling that the devotion of the people was weak, fell back once again upon Papal support, and gradually, in spite of provisors and *præmunire*, charters and statutes, the old trouble of Papal interference was revived. But not without protest; in 1424 the Pope, although the King had made another appointment, promoted the Bishop of Lincoln to be Archbishop of York. The Privy Council interfered, and threatened the penalties of *Præmunire*, and the bishop had to stay at Lincoln.

In 1427 the Papal collector was imprisoned for introducing a Papal bull, and Convocation refused to grant a Papal subsidy, pleading the statutes, but allowed a voluntary collection in the dioceses.

A spirited remonstrance was made against the holding of legatine power by Cardinal Beaufort, Bishop of Winchester, who only retained the position by virtue of his royal blood, as a concession to the personal wish of the King. But the concession once made was pleaded as a precedent, and the Primates of this period successively accepted the legatine position. The Church synods met rarely, and the National Church was governed by the personal power of the legate.

The feeling of the people showed itself again in acts of violence. Ayscough, Bishop of Salisbury, was murdered by a mob in 1450, their cry being 'He has always stayed at court and never lived among us.' And Moleyns, Bishop of Chichester, was murdered in the same year at Portsmouth, although he was an excellent statesman, the mob in their anger only remembering that he was a bishop who had neglected episcopal duties to follow the occupation of a statesman. But yet the people loved the Church itself, and reverenced its sacraments, whilst showing their anger against unworthy bishops. They still often left money for the beautifying of their parish churches, and were careful to secure the offices of the Church on behalf of the sick and dying, though the unworthiness of the minister might often keep them away whilst in good health. They were 'lothe to come in Holy Churches and lothe to hear Goddis service. Late they come and soon they go away,' as a writer of the time observes.

The state of misrule, disorganisation, and decline in the Church roused Archbishop Bourchier to an effort for reform, and in 1455 he issued a Commission for reforming the clergy.

The Commission is addressed to 'Master David Blodmell, our commissary-general for Canterbury,' and full power is granted him to correct and reform the glaring abuses referred to in the document. But the Commission does not seem to have effected much, and when rest came after the long struggle of the Wars of the Roses, the conviction grew day by day that what the clergy of the Church could not or would not do must be undertaken by the laity.

During the interval between this Commission and the end of the reign of Henry VII. the action of Convocation was confined to details of discipline and administration, and nothing important was accomplished. In 1463 the Convocation of Canterbury forbade civil officers to arrest offenders in churches and churchyards, and made regulations about the dress of the clergy. In 1486 the Convocation of Canterbury ordered bishops to say six masses on the death of one of their number, made further regulations as to clerical dress, and fixed the date of the Feast of the Transfiguration. The York Convocation in 1488 accepted this date, and also fixed the Feast of the Sacred Name and the Feast of Dedication of all Churches, to be observed on one day, the Sunday after the Feast of S. Paul. Both Convocations in 1501 imposed a tax of one-tenth on the clergy to help the Pope in wars against the Turks, and in the same year the Convocation of Canterbury ordered prayers for the King to be said in the Mass, which the Convocation of York agreed to in the following year. From this time till 1519 the Convocation did little but make grants of money, but in this year Wolsey held a legatine court, consisting of the archbishops and bishops of both provinces, a proceeding strongly resented by Warham, Archbishop of Canterbury.

From 1519 until the first Act of Reformation, when the Pope's authority was rejected, there was constant strife between Wolsey and the Archbishop of Canterbury as to the respective jurisdiction of the legatine court and the national Convocation. For instance, in 1523 Warham summoned his Convocation to vote a subsidy. Wolsey summoned them all to meet him at Westminster, but the clergy replied that they would not vote subsidies in synod but only in convocation, and Wolsey had to concede the point, for fear of resistance from the clergy of all England, who might dispute the validity of the grant.

In 1527 Wolsey, the Pope being a captive, was made the Pope's vicar-general for all England, so that in conjunction with the prelates, assembled by royal authority, he could manage the whole ecclesiastical state of England, the royal consent being first had. It was said that now the King first tasted the sweets of power over the clergy, and afterwards, when he appointed Cromwell as his vicar-general, he was able to quote this as a precedent.

The result of this appointment was that the legatine court drew with it a great deal of business that should have gone to the bishops' or archbishops' courts, and the bishops became mere commissaries for the legate. Complaint was made by Warham both to the cardinal and the King, but with little result.

The state of things then, just on the eve of the Reformation, was this: The Plantagenet legislation for securing the independence and true national character of the Church had almost fallen into desuetude; great abuses had grown up with which the ecclesiastical authorities were unable to cope, or which at least they were afraid to attack; the ruling power had passed into the hands of a Papal legate; and there was a mass of discontent ever seething in the breasts of the people. All things were ripe for some change, and Henry VIII. did but take advantage of the circumstances, seeing a favourable opportunity of gaining power and wealth for the attainment of his ends.

CHAPTER VII

THE BEGINNING OF REFORM

The opportunity came to the King when, wearied with the delays of Papal procedure in the matter of the divorce he sought from his consort, he determined to try another authority, if one could be found. It was plain that nothing was to be expected from the Roman Court, and Henry was determined to have the marriage declared null and void. He was well aware of the discontent fostered by the action of the legatine court; and the muttered desires of the people for reform of the Church, not doctrinal reform but disciplinary, were becoming louder. Therefore Henry determined to use this for his own ends. The old Plantagenet Statutes were still unrepealed, and amongst them was *Præmunire*, which Henry determined to put in force.

The King began by accusing Wolsey and the whole of the clergy of a violation of this statute, by allowing the exercise of legatine power. It was a bold step, and an inconsistent one, for Henry himself had acquiesced in the exercise of legatine power, and had besought an unwilling Pope to make Wolsey a cardinal.

Beaufort had not dared to show his red hat in England until he had first obtained the royal pardon for accepting it, and to save appearances he was invested privately at Calais. But Wolsey had become cardinal and legate with the connivance and full consent of Henry. Yet Henry felt no shame, being dominated by one strong purpose, and Convocation was obliged to sue humbly for pardon, the Convocation of Canterbury agreeing to pay £100,000 as indemnity. Before accepting it Henry demanded the insertion in the preamble of a clause acknowledging him as 'Protector and Supreme Head of the English Church and Clergy.'[1] The Convocation of York followed the example, agreeing to pay £18,840.

Archbishop Warham, in the next year, protested against all parliamentary enactments made since 1529 in derogation of the Pope's authority or of the ecclesiastical prerogatives of the province of Canterbury. The answer to this was the 'Petition of the Commons' against Church abuses.

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[1] For the restricted sense in which this title was acknowledged, see p. 114, *infra.*

It is clear that the petition was the result of royal influence, for there are amongst the State Papers four corrected drafts of it, the corrections being mostly in the handwriting of Thomas Cromwell. The petition calls attention to the conduct of the ordinaries and their officers in allowing errors to go unsuppressed, whereby had arisen much discord, variance, and debate.

It complains of the power of Convocation to make canons and exact penalties without the consent of the laity; of the delays in the Courts of Arches and of Audience; of trivial and vexatious cases promoted by the ordinaries against the poor; of excessive fees in spiritual courts; of fees demanded for sacraments, which should be administered without any demand for payment; of delays and fees in probate of wills; of fees, first-fruits, and private arrangements at institution to benefices; of the provision of infants to benefices; of the excessive number of holy days, causing idleness, execrable vices, and giving occasion to wanton sports; of vexatious examination and imprisonment of the innocent; of failure to obtain remedy in wrongful accusations; of the vexatious character of examination for heresy; and prays for remedy.[1]

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[1] Gee and Hardy, *Documents illustrative of Church History*, xlvi.

The petition was laid before Convocation by Warham, and a reply drawn up, which did not satisfy, whereupon a second was offered, promising not to publish canons without the King's consent. This too was regarded as unsatisfactory, and three drafts of further replies exist.

In the reply the bishops state that they have not been guilty of want of charity; that they punished heresy because it was their duty to do so; it is denied that the canons injure the King's prerogative; the clergy have no desire to interfere with the working of the laws of the realm; if injustice or hardship has been inflicted the ordinaries are sorry, and offer to regulate the courts so that it may not happen; the archbishop is already reforming his courts, and the officers of Church courts have been useful to the King; the presentation of infants to benefices is not wrong if the stipend be used for their education; if holy days have been abused, the abuse does not offer any reason for their discontinuance: they deny the existence of ill-will between clergy and laity; and ask the King's assistance in carrying out their spiritual duties.

But the King required more than apology; he was determined to be master of the clergy. He told the Speaker that the clergy were only half his subjects, 'and scarce our subjects.' He complained that the prelates, at their consecration, made an oath to the Pope which was inconsistent with loyalty to him. And the result was—the Act of Submission of the Clergy, made on May 16, 1532.

The Act of Submission is a full recognition of the authority of the King over all causes and persons ecclesiastical, but the clergy saved their honour by saying in the preamble that they submit to Henry personally because of their trust and confidence in his most excellent wisdom, his princely goodness and fervent zeal to the promotion of God's honour and the Christian religion, and also in his learning, far exceeding that of all other kings and princes ever read of. They promise therefore (1) not to make any new canons without the King's licence and ratification; (2) to submit canons already made to a committee of revision, on condition that those approved be put in force.[1]

Thus was the royal authority over the Church acknowledged; it was a step towards the repudiation of all other authority over the Church of England. In the same year a further step was taken towards this object by the conditional restraint of the payment of first-fruits to Rome.

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[1] Gee and Hardy, *Documents illustrative of Church History*, xlviii.

The Act asserts that the nation has been much impoverished by the payment of great sums to Rome, leading to the ruin of the friends of those promoted: that the Papal demands have grown heavier, £160,000 having been paid since the second year of the reign of Henry VII. Therefore all payments other than those allowed by this Act shall cease. Bishops of English sees shall be consecrated by their archbishops, after nomination by the King, if there be any delay in the receipt of Papal bulls; an archbishop in the same circumstances being consecrated by two bishops, as was done in ancient times. Archbishops and bishops thus consecrated without authority of Papal bulls shall be duly installed, accepted, and obeyed as others were. Provision is made that instead of first-fruits any bishop may, if he will, obtain a Papal bull, for the writing of which he may pay five per cent. on the first year's income of his bishopric. The Parliament leaves to the King power to compound with the Court of Rome in this matter, and if the Pope refuse to make any arrangement and vex the kingdom by interdict, then the interdict shall have no force, but all sacraments and services shall go on as before.

It will be seen from the careful provision made at the end of the Act that England did not separate from the Papal obedience by any sudden and violent repudiation. It was by the *non possumus* attitude of Rome at each stage of reform that the final separation took place. Had Rome been content to allow full play to national feeling the Reformation might have ended in a concordat instead of a schism.

The next stage in the process was the Act in Restraint of Appeals, 1533, which struck at the *jurisdiction* of the Pope, whilst still leaving untouched his spiritual *primacy*.

The preamble states that in 'divers sundry old authentic histories and chronicles, it is manifestly declared and expressed, that this realm of England is an empire, and so hath been accepted in the world,' governed by a King, who was ruler of all estates, and furnished by Almighty God 'with plenary whole and entire power, pre-eminence, authority, prerogative, and jurisdiction.'

It recites Statutes made to prevent encroachments of Rome or other foreign power, in the time of Edward I., Edward III., Richard II., and Henry IV., notwithstanding which dangers have arisen by appeals to Rome. These appeals delay justice, and are inconvenient by reason of distance. Therefore all courses determinable by spiritual jurisdiction shall be determined in the King's courts, temporal or spiritual, and only sentences pronounced in the King's courts shall take effect, no notice being taken of any Papal interdict.

The penalties of *Præmunire* shall be incurred by any who shall appeal to Rome. Appeals shall lie from the court of the bishop to that of the archbishop, saving the prerogative of the Archbishop of Canterbury as Primate of all England. Appeal in causes touching the King lies to the Upper House of Convocation.[1]

In this year Cranmer became Archbishop of Canterbury, and the Convocations pronounced in favour of the divorce; and a significant indication of the trend of events was given in the publication of a book on the *Royal Supremacy* by Dr. Sampson, Dean of the Chapel Royal. He grounds the King's power upon S. Paul's teaching, 'Let every soul be subject to the higher powers,' and upon S. Peter's, 'Submit yourselves to every ordinance of man, for the Lord's sake.'

He argues that kings are God's vicars, because they have their power from God Himself. Further, that the Bishop of Rome has no authority outside his own province, in fact he has no more power in England than the Archbishop of Canterbury has in Rome, and his claim of jurisdiction is without any warrant of Scripture.

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[1] Gee and Hardy, *Documents illustrative of Church History*, l.

The book pleased the King, who circulated it industriously, at home and abroad, and the knowledge that it had the King's approval encouraged those who were eager for reform to further efforts, and we come to a further stage, when in 1534 there was passed the Statute of The Submission of the Clergy and Restraint of Appeals.

This Act recites the Submission of the Clergy mentioned above, enacting therefore that Convocations shall be called by royal writ, and the clergy shall not enact without the royal consent. The King should nominate a commission of thirty-two persons, sixteen clergy and sixteen members chosen from the two Houses of Parliament, to examine existing canons.

The Statute then repeats the former Statute of Appeals, and provides that 'for lack of justice' there shall be appeal from the archbishops' courts to the King's Court of Chancery; when such appeal takes place the King is to nominate a commission, as in case of appeal from the admiral's court, to hear and determine.[1]

In the same year the Statute for the conditional restraint of the payment of first-fruits was made absolute, because the Pope (who is now called the Bishop of Rome) had made no arrangement, although informed of the nature of the Statute.

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[1] Gee and Hardy, *Documents illustrative of Church History*, li.

Therefore no bishops or archbishops should be presented to the Bishop of Rome for confirmation, no bulls should be sought for from him, and all payments to him are forbidden.

Archbishops and bishops should be elected by priors and convents, or by deans and chapters, on the King's nomination, and if they defer appointment, then by letters-patent.

Thus the Papal jurisdiction was annulled, and the English Church became self-contained and self-governed under the protection of the King, whilst for the full protection of its members and officers there was open the appeal to the Crown, the common authority over both the spiritualty and temporalty of the realm.

The next step was to forbid Papal dispensations and the payment of Peter's-pence, which was done by the Statute of 1534, enacting that all licences, dispensations, faculties, grants, rescript, delegacies, and instruments should be obtainable within the realm. The Statute provided for the efficient registration of all such dispensations, licences, etc., and fixed rates of payment for them, together with penalties for extortion. If the Archbishop of Canterbury unreasonably refused dispensations, then the King's writ should enforce the grant, or compel the showing of cause to the contrary. It is declared very plainly that the King and the realm do not intend to vary from the Catholic faith; the reformation so far was of discipline and jurisdiction, not of doctrine.

But a tyranny was set up by the Verbal Treasons Act of the same year, when for the first time mere verbal expression or a refusal to take oath was made a felony. Every ecclesiastical and lay officer of the kingdom was required to renounce the authority of the Pope, and refusal to take this oath was made high treason. Any wish expressed or words spoken against the royal claim involved the penalties of high treason.

This became a fearful engine of tyranny in a very short time, leading to the judicial murders of the Carthusian monks, of Fisher and More. There was no need for such an Act, and no excuse, and its results did much to produce a reaction in favour of Papal claims.

And now the Statute of Royal Supremacy, passed in the same year, may be said to have completed the work of separation of the English Church from the Roman obedience. Instead of the Pope, as common head of the Western Church, the English now had to recognise Henry as 'Supreme Head of the Church of England.' The title was unfortunate, for the Church has One Head, the Lord Jesus Christ. It was borne by Henry, by Edward VI., and until the repeal of the Act, by Mary, but on Elizabeth's accession it was not resumed. Elizabeth and succeeding monarchs have been Governors and Defenders, but not Heads of the Church. Whilst it was in use the Papalists had some ground for an argument that the Church of England had but substituted a lay pope for a spiritual one, thereby losing its spiritual character.

It may not be said that the Royal Supremacy was forced upon an unwilling Church, for the Convocations had considered the matter and decided, in the spring of the year 1534, whereas the Act of Parliament was passed in November of the same year.

The question was presented to Canterbury in this form: 'Whether the Roman pontiff has any greater jurisdiction bestowed on him by God in the Holy Scriptures in this realm of England, than any other foreign bishop?' The result of the voting was—Noes, 34; doubtful, 1; Ayes, 4. The same question was submitted to York, and decided in the negative by unanimous vote.

But although thus repudiating the jurisdiction of the Pope in England, the clergy were not ready to give to the King the jurisdiction formerly exercised by the Pope. They had seen the evils flowing from the interference of a Papal Cæsar, and they foresaw greater evils about to flow from placing the Church under the jurisdiction of a Cæsarian Pope. Therefore, when submitting to the King's mercy in 1531, they were careful in wording their submission: 'We acknowledge His Majesty to be the singular protector, only and supreme lord, and, *so far as the law of Christ will allow*, Supreme Head of the English Church and Clergy.' The Convocation of York, however, objected to the title of 'Supreme Head,' as implying a spiritual power in the King. Henry wrote and explained that the words implied only the acknowledgment of a power in the Crown to see that the spiritual authority exercised its functions for the good order and peace of society, upon which understanding York accepted the formula, and there is no doubt that this was all that the clergy allowed.

We may fairly say then, that although the term 'Supreme Head' is liable to misunderstanding, yet as a fact the Church of England did not invest the King with the power of spiritual jurisdiction. He could not consecrate a bishop nor degrade one, but he must, as King of the whole people, see that the clergy performed the functions for which they existed, and in recognition of which they enjoyed certain privileges accorded by the State. A voluntary religious body, self-supporting, and claiming no privilege, may give allegiance to a foreign bishop, and allow his jurisdiction over them; but a National Church, whose bishops are peers of the realm, and whose ministers enjoy certain civil privileges and exemptions, where the interference of a foreign power would often clash with the power of the State, must recognise the right of the Crown to see that the contract between Church and State is not violated or abused.

The final Act of the series which established ecclesiastical affairs upon their present basis was the Act for extirpating the Authority of the Bishop of Rome, 1536, consisting of one clause only, requiring all officers of Church and State to take oath renouncing that authority.

We may now pause to inquire how the Church of England stood, in relation to King and Pope, as the result of this series of Statutes. We note again that so far there was no change of doctrine. The Church of England was anti-Papal before it became Reformed in doctrine, in this matter being quite different from the Reformed communions of Scotland and the Continent, where the doctrinal change preceded and led to the change of Church polity. Then the question arises, Did the King assume a novel position, hitherto unrecognised by the Catholic Church? At any rate the Parliament did not think so, as we may see by the preamble to the Restraint of Appeals, quoted above.

From the Conquest to the Reformation the kings of England were required to make oath at their coronation that they would observe and do the laws of good King Edward (the Confessor).

Concerning the royal supremacy Edward declared thus: 'The King, who is the vicar of the Highest King, is ordained to this end, that he shall govern and rule the earthly kingdom and people of the Lord, and above all things the Holy Church, and that he defend the same from wrong-doers, and pluck up, destroy, and root out workers of mischief.'

There was no more zealous Catholic than Bishop Gardiner, who wrote his book, *De Vera Obedientia*, in defence of the royal supremacy. He remarks: 'The question is now in everybody's mouth, whether the consent of the universal people of England rests on divine right, by which they declare and regard their illustrious king, Henry VIII., to be the supreme head on earth of the English Church; and by the free vote of this Parliament have invited him to use his right and call himself head of the English Church in name, as he is in fact. In which Act no new thing was introduced, only they determine that a power which of divine right belongs to their prince, should be more clearly asserted, by adopting a more significant expression; and so much the rather in order to remove the cloud from the eyes of the vulgar, with which the falsely pretended power of the Bishop of Rome has now for some ages overshadowed them.' And again: 'In the assertion of the royal supremacy the King acted with the consent of the most excellent and learned bishops, and of the nobles and whole people of England . . . that no new thing was introduced when the King was declared to be the supreme head; only the bishops, nobles, and people of England determined that a power which of divine right belongs to their prince, should be more clearly asserted by adopting a more significant expression.'

Tunstall, too, was a good Catholic, yet he replied to Pole's book, *De Unitate Ecclesiastica*, and showed that England had not separated from Catholic unity. He remarks in this reply: 'It is true the King hath rescued the English Church from the encroachments of the Court of Rome, and if this be a singularity he deserves praise. For the King has only reduced matters to their original state, and helped the Church of England to her ancient freedom . . . the conduct of the King suited the wishes of the nation; if the King changed his mind, and gave in to the claims of Rome, he would find it difficult to obtain the consent of his people through Parliament.'

Coke, the great lawyer, shows that bishoprics in England were founded by the King's progenitors, advowsons belonged of right to the Crown, the privilege of election was a concession made to chapters by the King, whose *congé d'élire* was therefore necessary.

Long before the Reformation the King could exempt from the dominion of the ordinary, and grant episcopal *jurisdictions*, but not *orders*. The King exempted monastic houses from episcopal jurisdiction, making himself the visitor, acting by royal commission. The King could convert seculars into regulars, as Henry IV. did, and exonerate Cistercian and other orders from tithes, which the Pope could not.

The King could appropriate churches — ten churches were appropriated to Croyland Abbey by Anglo-Saxon kings, three to Battle Abbey by the Conqueror, twenty to Salisbury by Henry I. The disposition of preferments on lapse belonged to the King. It was death or forfeiture of all goods to publish a Pope's bull without the King's permission, and no Papal legate could come to England without the King's permission.

This seems to make it quite clear that the royal supremacy was not a new thing, but only the final and emphatic assertion of an ancient power, inherent in the Crown.

The next question is whether the King robbed the Pope of a power which rightfully belonged to him. The only ground upon which this can be asserted is the quite modern Ultramontane theory, which makes the Pope the only source of all spiritual authority, investing him with powers which belong to the whole Catholic episcopate. Long before the time of Henry VIII. the English Parliament had denied this authority.

In a Parliament held at Carlisle in 1306 the Church was spoken of in the same terms which would be used now.

'The Holy Church of England was founded in the estate of prelacy, within the realm of England, by the King and his progenitors, with the earls, barons, and other nobles of the said realm, and their ancestors; to inform the people in the law of

God, and to keep hospitality, give alms, and do other works of charity. And the said kings, in times past, were wont to have their advice and counsel for the safeguard of the realm, when they had need of such prelates and clerks so advanced. The Bishop of Rome, usurping the seignories of such benefices, did give and grant the same benefices to aliens who did never dwell in England, and to cardinals which might not dwell here, . . . in adnullation of the state of the Holy Church of England, disherison of the King, earls, barons, and other nobles of the realm, and in offence and destruction of the laws and rights of this realm . . . therefore it was enacted by the King, Edward I., with assent of all the lords and commonalty in full Parliament, that the said oppression, grievance, and damage in this realm from thenceforth should not be suffered.'

It is evident therefore that Edward I. and his Parliament were as anti-Papal as were Henry VIII. and his Parliament. And Henry himself in a letter which he caused to be written to Pole, observes: 'In all your book your purpose is to bring the King's Grace by penance home into the Church again, as a man clearly *separate* from the same already. And his recess from the Church ye prove not otherwise, than by the fame and common opinion of those parties who be far from the knowledge of the truth of our affairs here. . . . Ye presuppose for a ground for the King's Grace to be *severed* from the *unity* of Christ's Church, and that in taking upon him the title of Supreme Head of the Church of England, he intendeth to separate the Church of England from the unity of the whole body of Christendom, taking upon him the office belonging unto spiritual men, grounded in the Scripture, of immediate cure of souls . . . wherein surely both you and all others, so thinking of him, do err too far. . . . His full purpose and intent is, to see the laws of Almighty God purely and sincerely preached and taught, and Christ's faith without blot kept and observed in his realm; and not to separate himself or his realm anywise from the unity of Christ's Catholic Church, but inviolably at all times to keep and observe the same, and to redeem his Church of England out of all captivity of foreign powers heretofore usurped therein, into the Christian state that all churches of all realms were in at the beginning, and to abolish and clearly put away such usurpations as heretofore in this realm the bishops of Rome have, by many undue means, increased to their great advantage.'

And finally Mr. Gladstone, in his book on the Royal Supremacy, says: 'That the Pope was the source of ecclesiastical jurisdiction in England before the Reformation is an assertion . . . which I believe to be false in history, false in law, which in my view as an Englishman is degrading to the nation, and as a Christian, to the Church. . . . The fact really is this: a modern opinion, which by force of modern circumstances has of late gained great favour in the Church of Rome, is here dated back and fastened upon ages to whose fixed principles it was unknown and alien; and the case of the Church of England is truly hard, when the Papal authority of the Middle Ages is exaggerated far beyond its real and historical scope, with the effect only of fastening that visionary exaggeration, through the medium of another fictitious notion of wholesale transfer of the Papal privileges to the Crown, upon us, as the true and legal measure of royal supremacy.'

The assertion of royal supremacy was thus an assertion of an ancient right which had lain in abeyance, and was neither a violation of the civil constitution nor an invasion of any spiritual prerogative. Nor did it involve any rejection of the spiritual primacy of the Bishop of Rome as Patriarch of the West. If the popes of that day had possessed ordinary tact they might still have arranged a concordat, as Pius VII. did in later days with

Napoleon, and a great deal of mischief might have been prevented.

But the obstinate *non possumus* attitude of the popes excited the evil passions of Henry to defiance, and encouraged the friends of revolution to proceed to great lengths in change of Catholic doctrines. Yet this did not happen in the reign of Henry, who remained obstinately mediæval in his faith, causing his Parliament to pass the Act of the Six Articles, which became an instrument of spiritual tyranny as powerful as the Treasons Act.

The remaining years of Henry's reign were dark days for Church and State, stained with the blood of England's noblest sons and daughters, both Catholic and heretical.

The Supreme Headship was pressed in a way which the loyal bishops and clergy of Convocation had never anticipated, the greatest stretch of prerogatives being the appointment of Thomas Cromwell as vicar-general, placing him in authority over the episcopate of the Church. There was no sort of constitutional authority for this appointment; it had no precedent, and was never repeated; the Church submitted perforce, but did not acquiesce. Cromwell was regarded by the great mass of men, both lay and clerical, as the instrument of an unconstitutional and hateful tyranny, and all good men rejoiced when he received his reward, the usual reward of men who stoop to be instruments of unscrupulous rapacity and despotism, that of being kicked away by the tyrants who use them.

But one thing is quite certain, and it is important to remember this in view of future events —*the power taken from the Pope was not given to Parliament but to the King*. The Parliament, as 7 the voice of the temporalty, transferred the power, but neither created it nor claimed it.

And amidst all the changes the spiritualty still maintained its own legislative body—the Convocation—called together and sitting by royal permission, in the same manner as the Parliament of the temporalty. Throughout the reign of Henry VIII. laws affecting the doctrine and discipline of the Church were passed by Convocation and confirmed by Parliament.

For instance, 'The Institution of a Christian Man,' or the Bishops' Book, was set forth by Convocation in 1537; the Six Articles were passed by Convocation in 1539, and afterwards by Parliament; the translation of the Bible was authorised by Convocation in 1541; in 1542 it was ordered that a lection from Holy Scripture should be read after *Te Deum* and *Magnificat* on all Sundays and holy days; but the 'Necessary Erudition of a Christian Man,' a modification of the 'Institution,' was issued by royal authority, still, we observe, not by parliamentary authority.

CHAPTER VIII

THE CHURCH SUBJECT TO THE STATE

From 1544 to 1547 Convocation did nothing but grant subsidies. But in the reign of Edward vi. attempts were made to make the Church a mere department of State, after the manner of Germany and Switzerland, and to take away its inherent spiritual rights. It had experienced government by royal power acting directly, and by royal power acting through a vicar-general: it was now to experience government by a Council of State. The ideas of Edward's councillors were purely Erastian, and they wished to treat the Church as a religious department of State. So instead of consulting Convocation and legislating on its advice, they took the initiative, and legislated directly on all matters—doctrinal, disciplinary, and financial.

The bishops were no longer the ordinaries of the Church, but merely State officers, acting on the instructions of the council. Those who, like

Gardiner, had defended the doctrine of the personal supremacy of the King, objected strongly to the working of that power through the council, and Gardiner contended that no further alterations should be made until the King came of age, but all to no purpose.

There was an evident tendency from the first to add to the anti-Papal legislation of Henry further legislation in the directions of doctrinal change. The 'Injunctions' were issued in the first year, ordering periodical preaching against the 'Bishop of Rome's usurped power and jurisdictions,' and the destruction of images, shrines, pictures, and monuments of superstition. The Gospels and Epistles were to be said in English, and the Litany was no longer to be sung in procession, but kneeling. The *Book of Homilies* was issued, solely on the authority of the council. Parliament met in November 1547, and quickly repealed all heresy Acts passed since the time of Richard II. It dealt also with the question of treason, and ordained that nothing should be accounted treason that was not defined as such in an Act of Edward III.

An Act was passed also against irreverent speaking of the Blessed Sacrament, which was becoming common on account of the influx of German Lutherans and Swiss Calvinists, ordering also the administration of Holy Communion in both kinds. The same Parliament also abolished the *congé d'élire*, ordering that bishops should be appointed by letters-patent.

The Convocation also met, and recommended the abolition of the Act of the Six Articles, which was done. Convocation also asked that the commission for inquiry into the ecclesiastical law, according to the act of the late King, should be carried out, and a vote was taken on the celibacy of the clergy, fifty-three voting for the repeal of all prohibitory enactments, and twenty-two voting against any change. A petition was also sent up to the council that the books made by certain prelates and doctors by command of Henry VIII. might be submitted to them. But very little notice was taken of these recommendations and petitions, as it was the policy of the council to ignore, or at least to belittle, the Convocation.

An Order of Communion, in English, the precursor of the First Prayer Book, was issued by royal proclamation in 1548, and a committee of bishops and learned men was formed to draw up a Liturgy in English. This was the First Prayer Book, which came into use in 1549.

There has been much dispute as to whether this Prayer Book had Church authority or only

State authority. The matter is uncertain, owing to the disappearance of Convocation records, but it is certain (1) that the book was drawn up by a committee of bishops and learned men, and (2) that it had at least the tacit sanction of Convocation.

The book was made legal by the First Act of Uniformity, in which we see something like a return to the old methods of pre-Conquest days, since it is provided in section 4 that archbishops and bishops may at their pleasure join and associate themselves to Justices of Oyer and Determiner for the hearing of cases of depraving of the Prayer Book. But yet in section 12 the jurisdiction of the bishops as to spiritual causes is preserved.

Perhaps the best evidence of the really Catholic character of the book is the fact that such men as Gardiner and Tunstall were willing to accept and use it.

The Reformed Ordinal followed the First Prayer Book, and again by parliamentary authority, although, like the Prayer Book, it was drawn up by a commission of bishops and learned men, and tacitly sanctioned by Convocation.

The ecclesiastical work of this reign was brought to an end by the publication of the Second Prayer

Book, the Forty-two Articles (afterwards thirty-nine), and the Second Act of Uniformity.

King Edward's death in 1553 brought to an end the short period of Erastian influence, and revealed to the nation the evils of confounding Church and State, for terrible evils had come upon both during this short period of confusion. Noble foundations, due to the piety of Englishmen who lived in better days, had gone to satisfy the greed of a host of time-servers who hovered about the feeble youth who was called Supreme Head of the Church. The council and their friends had appropriated estates worth five million pounds, and there had been wanton destruction of all that was beautiful in church buildings and in worship, whilst there had been amongst the clergy not a reformation, but a very serious deterioration. Simony and immorality were more rife than in the dark days of the Wars of the Roses, and the clergy were notoriously ignorant; Hooper found one hundred and sixty-eight priests who could not say the ten commandments, and Latimer said that 'never was there so much adultery and so much divorcing.'

Poverty and misery and vagrancy were rife amongst the poor laity, leading to such movements as the insurrection of Ket the Tanner. It is a sad reflection that reformation of doctrine should have been accompanied by deformation of national righteousness, because the reformers, or those who took advantage of the desire for reform, were actuated by an unworthy spirit, and pushed the Reformation for unworthy motives.

Church government by an irresponsible Supreme Head had resulted in a galling tyranny by a council of selfish and ambitious upstarts, ending in universal misery; there was to be one more trial for the old Mother Church, a temporary return to Papal supremacy and a baptism of blood, ere the Church found her true position.

With the death of Edward the period of council rule ends, and the strong reaction against the unconstitutional methods of the council resulted in a return to the Roman obedience, and from this distance of time we cannot but see that there was a providential design in this, for if the Edwardian *régime* had continued, it is likely that the Church would have become a purely Erastian establishment like those in Germany and Holland.

CHAPTER IX

TEMPORARY SUBJECTION TO THE PAPACY

The interlude of reaction in the days of Mary prepared the country for the later settlement of Elizabeth's reign.

There is not much to note in Mary's reign, because all that was done was in the way of undoing the work of the previous twenty years. The Second Act of the first year of Mary's reign repealed the two Acts of Uniformity, re-established the celibacy of the clergy, repealed Acts dealing with destruction of images and service-books, and restored divine service as it had been in the last year of the reign of Henry VIII.

The next Act of the same session established penalties for disturbing the celebration of Mass, and for breaking of altars and crucifixes, saving the jurisdiction of the law ecclesiastical, and guarding against the infliction of two punishments for one offence, viz. punishments in both ecclesiastical and civil courts.

Mary soon showed that she was a Tudor, and meant to control both Parliament and Church, and it is interesting to see how compliant Parliament and Convocation soon became. The title of Supreme Head was not dropped at once; indeed it is a striking fact that Mary was the first sovereign of England who was distinctly *Roman* Catholic, and the last to bear the title of Supreme Head.

It had been the policy of her father to demonstrate to Catholic Europe that Catholicism did not necessarily include Papalism, but Mary had decided that she could not be Catholic without being Papal, and so whilst Henry had used the Royal Supremacy as a means of defying and rejecting Papal jurisdiction, Mary used the same power to fasten the Papal yoke upon the Church more firmly than ever, and having thus used her supremacy she cast it away.

She might have used her power to restore the Catholic character of the Church without taking away its liberty, and she might have used her influence to bring about an honourable understanding with the Papacy, which would have prevented the schism which has brought evil to both parts of the Catholic Church during the past three centuries. Her uncle Charles, Emperor of Germany, advised her 'not to be hasty at the beginning in altering what she may find amiss: to be conciliatory; to wait for the determination of Parliament, preserving always her own conscience. . . . Let her not only have for her end the good of the realm, but let her make others perceive that the good of the realm is her end. Above all things let her be a good Englishwoman.'[1]

But there was another adviser who did not counsel such moderate proceedings, namely Philip, with whom Mary was madly in love; and to win the heart of Philip Mary was disposed to go all lengths. Therefore Parliament and Convocation were packed with the Queen's creatures and sympathisers, and very quickly all the legislation since 1530 was repealed, with one significant exception—Mary was obliged to allow the appropriators of monastic lands to keep what they had gained.

Parliament, however, did not at once accept Papal supremacy, but still assumed that England was Catholic without being Papal. In passing an Act to recognise the legitimacy of Mary's birth no mention was made of any Papal dispensation by which the marriage of Henry and Katherine might be regarded as lawful, but the legitimacy of the marriage was based solely upon the Word of God. And in the Acts repealing Edward's Acts of Uniformity, and restoring the old worship, it was ordered that the divine service should be celebrated as in the last year of Henry VIII., when, it must be remembered, the Papal supremacy had been rejected. And although Convocation rejected the Forty-two Articles and the Catechism, and declared for transubstantiation, it yet made no reference to the claims of the Papacy.

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[1] Dixon, *History of the Church*, vol. iv. p. 15.

Mary perceived all this, and told Pole, who was preparing to come and 'reconcile' England to the Roman See, that Parliament had done less than she hoped, and that there was more difficulty about the authority of the Holy See than about the restoration of true religion; therefore he must defer his coming as legate.

Gardiner, who had been made Lord Chancellor, was not anxious to disturb the settlement of Henry VIII., being a strong national Churchman, and Renard, the emperor's ambassador, saw that too great haste would rouse again the national antipathy to Papalism. Commendone, the Papal agent, was obliged to conduct the preliminary negotiations in the greatest secrecy, and reported to Rome that the 'schismatics' were more numerous than the 'heretics,' both schismatics and heretics being enemies to the reconciliation. Moreover, in issuing a commission for the deprivation of Edwardine bishops, Mary still acted on her own authority as Ordinary.

The 'reconciliation' at length came, following the Spanish marriage, and both events shocked the national feeling almost beyond expression. Canon Dixon remarks that 'the nation cordially detested the see of Rome. The Roman connection had ceased, after the first two or three centuries, to be a source of instruction or a ground of stability. It had returned little in the way of honour for the money of which it drained the land. In the roll of the Popes there was but one Englishman. . . . The Church of England had possessed from the first all that was necessary to the perfection and independence of a Church.'[1] Therefore the people of England looked upon reconciliation to the Papal See as subjection to a foreign and usurping power, and the fact that it was associated with the Spanish marriage made men fear both for the spiritual and for the temporal independence of the nation.

When the 'reconciliation' was at length accomplished, it was accepted with silent and grudging acquiescence by the people, conscious that the royal will was too stubborn to be resisted, and even the clergy in Convocation were not eager about it. They petitioned for the abolition of the Reformed Liturgy and Ordinal, for the restoration of clerical celibacy, of ecclesiastical jurisdiction, for the revival of heresy laws, and for the liberal interpretation of *præmunire*, but they made no reference to the Holy See.

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[1] Dixon, *History of the Church*, vol. v. p. 235.

They say to the bishops: 'We, perceiving your Godly forwardness of your good lordships to the restoration of the noble Church of England to her pristine state and unity of Christ's Church, which now of late years hath been grievously infected with heresies, perverse and schismatical doctrine sown abroad in this realm by evil preachers, etc.'[1] It is significant, as Canon Dixon says, that to this phrase, 'unity of Christ's Church,' the usual addition, 'and obedience of the Apostolic See,' is not made.

Reconciliation was accepted, but grudgingly, and for a while the law of England brought back the ecclesiastical state to the condition which prevailed in 1529, only the laity were very careful not to restore the monastic lands.

The net results of Mary's reign were, that it was shown that the doctrinal reformation was not merely the will of any power, royal or parliamentary, imposed upon the nation, but was a deep-seated desire of the people themselves. They were willing to die for the English Prayer Book, and they died as Catholics protesting for the right of the national Church to reform its doctrine and liturgy; and the swift reaction which took place upon Mary's death was a sign that the anti-Papal legislation of Henry VIII. had been according to the wish of the nation.

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[1] Dixon, *History of the Church*, vol. v. p. 297.

From the time of the Plantagenets down to Henry VIII. continual efforts had been made to preserve the national independence in religion, and Henry did but finish the work which Edward I. began. Had not the reign of Mary intervened it might have seemed as if the Reformation were the work of a lustful king tired of his wife, and of a crowd of church-robbers using religious principles as excuse for their rapine. But when the hands of the Pope and the Spaniard were laid upon the Church there was no powerful king, no strongly interested council to oppose, all power being on the side of the Pope and the poor bigoted Queen. Then it was seen that the Reformation was by the will of the whole people. The people submitted in dumb terror; there was little active resistance; but the passive resistance of the martyr is far more effective than the fighting of the rebel, and so once again the blood of the martyrs became the seed of a regenerated Church.

Hook, in the *Lives of the Archbishops*, notes the fact that there was no great leader of the Reformation in England—no Luther, no Zwingli, no Calvin, for none of our reformers could be compared to them in intellectual power: the English Reformation was the work of a people, not of a man.

CHAPTER X

THE ELIZABETHAN SETTLEMENT

We now enter upon the period in which the national Church assumed its final character.

The first great Act of Elizabeth's Parliament was An Act to restore the ancient jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all foreign powers repugnant to the same. The Act revises ten Acts subsequent to 22 Henry VIII., and one of Edward VI.; it confirms the repeal of six Acts of Henry VIII., and repeals the Heresy Act of Philip and Mary, as well as the repealing Act of those sovereigns. All foreign authority within the Queen's dominions is abolished: ecclesiastical jurisdiction is annexed to the Crown; power is given to the Queen to appoint commissioners to exercise ecclesiastical jurisdiction; an oath is to be required of officers of Church and State, and in this oath the title of Supreme Head is tacitly changed; the sovereign is called 'the only supreme governor of this realm, and of all other her highness' dominions and countries, as well in all spiritual or ecclesiastical things or causes as temporal.' The oath is to be taken before assuming office, and those refusing to take the oath are declared incapable of office.

The standard of reference for the commissioners in deciding what is heresy shall be what has been so determined 'by the authority of the canonical Scriptures, or by the first four general councils, or any of them, or by any other general council, wherein the same was declared heresy by the express and plain words of the said canonical Scriptures,' and what may be hereafter so declared by Parliament with the assent of Convocation.

The limits of authority of Crown and Parliament are here more carefully defined than in the Acts of Henry VIII. and Edward VI. There is no power for the Crown to appoint a vicar-general, as Henry did; and the power given to the Crown to appoint commissioners guards against the abuse of personal power whilst securing the prerogative of the Crown.

If Parliament passes any Acts dealing with doctrinal matters it must be with the assent of Convocation, thus securing the right of the Church in the decision of spiritual questions, and the right of the laity in Parliament to examine and assent to the decisions of Convocation.

The next important Act of this reign was the Act of Uniformity, 1559. This Act restored the Second Prayer Book of Edward VI., with some alterations, the result of a collation with the First Prayer Book by a committee of theologians. The Act was notable for the penalties ordered for using any other than the Form of Service presented; thus for the first offence the loss of profits from any spiritual benefice held, and six months' imprisonment; for the second offence, deprivation; for the third, imprisonment for life. There were similar penalties for those not holding spiritual offices, but taking part in worship other than that prescribed.

The Acts of Supremacy and Uniformity place the Church and the State in the position which they now hold with regard to each other, and it will help us in understanding the present relationship if we examine the action of each and the part which each played in the settlement.

And we note that, at the beginning of the reign of Elizabeth, Convocation was not consulted much in the settlement, but when once the settlement was accomplished, Elizabeth rigorously kept each estate to its proper function, and exercised with discretion the governing power she possessed for the regulation of the relationship between the temporal and spiritual estates.

There was an evident necessity for the personal action of the sovereign, and the support of that action by Parliament, at the beginning. For the reaction under Mary had thrown things into confusion, and had not been able, in the short space of five years, to establish itself. There were three sets of clergy in existence, viz. the great mass, who had quietly gone on ministering in their parishes through all the changes, Catholic priests still, but sorely puzzled about their position; the strongly Neo-Catholic or Reformed clergy, who had been ordained in Edward's time and deprived by Mary's laws; and the small but compact and determined party of distinct Papalists, or 'Romanensians,' as Canon Dixon calls them.

Now when Convocation met at the beginning of the reign, there would be in it a large party of the old Catholic clergy, willing to accept the First Prayer Book and the Royal Supremacy, but extremely jealous of the extruded Edwardians, and fearing the introduction by them of novelties from Germany and Geneva. The Marian bishops, and some who still remained of Henry's bishops, were more or less Papalist; and curiously the number of bishops was very small, on account of deaths. Again there were two sets of bishops, one set in possession of the sees, and another set, expelled by Mary, living abroad as exiles, but ready to return when required. Not much effective legislation could be expected in such circumstances, and therefore Elizabeth forbade the Convocation to make canons, under the penalties of *Præmunire.*

As the Act of Submission of the Clergy had been repealed by Mary's Parliament, this was an illegal prohibition, and the Convocation might have proceeded without the Queen's consent, but they refrained, for there were clear indications that the country was on the side of the Queen. Elizabeth, too, was conscious of this, and feeling her power, she proceeded to issue a proclamation to forbid preaching, until she, with the three estates of the realm, should have settled the ecclesiastical constitution.

Very soon afterwards she issued her Injunctions, regulating Divine Service. In these Injunctions it is forbidden to extol images and relics, but people are to be taught that all goodness, health, and grace ought to be looked for only of God; monthly sermons denouncing superstition and declaring the truths of Scripture are to be preached; each ecclesiastical person having cure of souls is to read a homily or preach at least once a quarter; when there is no sermon the Lord's Prayer is to be said; the Bible, and the Paraphrase of Erasmus, are to be set up, and Bible-reading to be encouraged; all preachers must be licensed; recusants are to be denounced; register books of baptisms, marriages, and burials are to be kept; there are regulations for the studies of the clergy and their preparation for pastoral work; for the observance of Rogations, and of Sundays; people are to be taught not to break and violate the laudable ceremonies of the Church; shrines, coverings of shrines, tables, candlesticks, trindals,[1] and rolls of wax, pictures, paintings, and all other monuments of feigned miracles, pilgrimages, idolatry, and superstition, to be removed; pulpits to be provided; alms chests to be supplied; it is forbidden to contemn and abuse priests and ministers, but they are to be used charitably and reverently for their office and ministration sake; the marriage of the clergy is regulated, priests and deacons being obliged to submit their chosen wives to the bishop and two justices of the peace for examination as to moral character and general fitness, whilst bishops' wives must be approved by the Metropolitan and such other commissioners as the Queen may appoint; the clergy are to be properly apparelled; parishioners must attend their own parish church, except on the occasion of some extraordinary sermon in another parish; inns are not to sell in time of public worship; regulations are made for the orderly conduct of worship, for the teaching and catechising of children; inventories of church furniture are ordered to be delivered; the Litany is to be said on Wednesdays and Fridays; choral foundations are to be kept up, and the offices to be sung daily in collegiate churches, and in parish churches, where provision has been made by endowment; printing is to be licensed; reverence, and bowing at the Holy Name is commanded; all readers are to read distinctly; no altars are to be removed except under proper supervision; the Holy Table is to stand where the altar stood, except at the celebration, when it may be brought out into the chancel for greater convenience; sacramental bread is to be plain, without any figure stamped upon it; the Bidding Prayer is given in full; 'and this done, show the holy-days and fasting-days.'

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[1] Trindals were wooden hoops stuck full of candles, put up in the chancel at Christmas, in memory of the Star.

There is evident in these Injunctions an honest intention to order a decent and seemly worship, avoiding on the one hand the unnecessary and complex ritual observances which had gathered round the Mass, and on the other hand the novelties which the returned exiles would be likely to introduce. We see the strong hand of the vigorous Tudor queen keeping the balance between the opposing parties, though we cannot but regret that political exigencies and the desire for as wide a comprehension as possible resulted in the surrender of far too much of the old Catholic use. Still we have to be thankful that our worship did retain its Catholic character, and that there remained possibilities of the restoration which our own age has witnessed. It was necessary that it should be done by the sovereign as Supreme Governor, because of the distracted state of the Church at the time. And in like manner the Prayer Book was taken in hand by a committee appointed by the Queen, and set forth by authority of Queen and Parliament; 'Be it enacted by the Queen's Highness, with the assent of the Lords and Commons in this present Parliament assembled, and by the authority of the same,' etc.

The same moderating influence which we noted in the Injunctions appears in the rubrics of the Prayer Book, in the direction of a return at least to the spirit of the First Prayer Book, if not to the letter. For instance, daily prayer is directed to be said in the accustomed place, whereas the Second Prayer Book had directed that it should be said where the people might best hear. There is also a direction that the chancels shall remain as in time past, so that the people might see as little difference as possible in the service.

The Ornaments Rubric is a notable illustration of the feeling of the Elizabethan revisers, for whereas the Second Prayer Book restricted the minister to the use of the surplice, the Elizabethan book fixed the ornaments of the church and of the minister as they had been in the second year of Edward VI., thus directing the use of the ancient Eucharistic vestments.

As the Prayer Book of 1552 had not had time to come into use, it is probable that most churches, especially those remote from centres of disturbance, were still in possession of the old vestments, which of course had been in use during Mary's reign. So that, away from towns where discussion raged, and where foreign influence was most felt, in thousands of country parishes the only perceptible differences in the service would be the use of the English Liturgy instead of the Latin, and the disuse of certain acts of ritual, with the removal of pictures and images, and the candles which were burning before them for superstitious reasons. The inventories and other documents published by the Surtees Society show that the old manner of service, with these important variations, continued to be used very widely until the time of Puritan disturbances followed by the Civil War and the Commonwealth, showing that the Reformation was a gentle one, effected by Sovereign and Parliament, supported by an overwhelming majority of the people and the parish clergy. The number of recusants was wonderfully small.

And now that the civil power had settled the Supremacy and the English Liturgy, it was forced to see that the law was carried out, for owing to the hostility of the Marian bishops there was no ecclesiastical power to act, and the only alternative was for the civil power to act. Therefore the next important action was the issuing of Royal Commissions for the visitation of the kingdom, which began to take effect after June 24, 1559, the day on which the English Liturgy began to be used. The Commissions consisted of clergymen and laymen, but the work was mostly done by the clerical members.

They were to visit all churches, and for this purpose the kingdom was divided into six circuits; they were to inquire into the moral character of the clergy; to punish with deprivation, sequestration, or otherwise, all offenders, and all who obstinately refused to subscribe to the authorised religion; contumacious laymen were to be coerced by ecclesiastical censures, as well as by civil penalties; pensions were to be given to those who retired or resigned; licence to preach was to be given to suitable persons; the relics of the late persecution were to be swept away by the discharge of all who were still in prison for religion, after inquiry as to the cause of their imprisonment. The Commissioners had power to summon synods and chapters of the clergy, and assemblies of the people.

As authority for their doings they carried with them the Injunctions and certain Articles of inquiry, so that the procedure was uniform all over the kingdom.[1] The way in which they proceeded may be learnt from the pages of Canon Dixon's *History*, and from this work, together with Dr. Gee's *Elizabethan Clergy*, may be seen the exact number of the pro-Papal clergy, who were deprived, amounting to about two hundred, out of a total of nine thousand clergy.

In addition to these travelling Commissioners there was also the Court of High Commission, sitting permanently in London. This was the Court established by virtue of the Act of Supremacy, as a means whereby the Royal Supremacy might be exercised. It served at first as a check upon the arbitrary use of the royal prerogative, but became at last hateful by its tyrannous action. Canon Dixon remarks about this court that 'it was a court of first instance, which swallowed up every cause that came before it, and from which no appeal ever went. It stood in the way of the High Court of Delegates, Henry's erection, the court of first appeal. It was out of connection with the ordinary courts of the Church, always producing new business by its own nature; it increased its power with the course of time; it existed for eighty troublous years, when it was extinguished by the hands that raised it.'[1] It was a temporary expedient, suitable only for a period of transition.

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[1] Dixon, *History of the Church*, vol. v. p. 128, etc.

And now that something like uniformity had been established, the time came for filling up the vacant bishoprics, more especially that of Canterbury, vacant by the death of Cardinal Pole. This opened the question of the method of election, and it was settled by a return to the old method of the *congé d'élire*, *licentia eligendi*, or licence to elect. The Sovereign calls upon the cathedral chapter to elect a suitable person, and at the same time nominates to them a person whom he judges fit. In issuing her licence Elizabeth stated the licence to be granted by the founder of the see, thus asserting the ancient theory that bishoprics were originally donatives of the Crown. On this ground the Sovereign is patron of the bishopric in the same way as the inheritor of an estate is patron of the benefice founded by his ancestor, and he presents a nominee to be approved by the chapter.

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[1] Dixon, *History of the Church*, vol. v. p. 194.

The Ordinal used in the consecration of Parker was that of Edward vi., but as this had not yet been restored by law, a special clause was inserted in the Queen's Commission for supplying legal defects. This 'Supplentes' Clause is not found in commissions for the consecration of subsequent bishops, because, all defects being supplied in Parker's case, all future consecrations were regular.

The 'defects' to be supplied were not spiritual defects, for Parker was consecrated by four bishops in a manner quite canonical, but any which might be alleged by the Papal party as to his Primatial jurisdiction. When Cranmer was consecrated the Papal jurisdiction was still trembling in the balance, and he took a modified oath of allegiance to the Pope. Of course Pole recognised the Papal jurisdiction fully, but Parker was the first bishop to be consecrated after the Royal Supremacy was fully established, and as there was no pall given, the usual symbol of delegation of power from the Papacy, it was necessary that there should be a special delegation of jurisdiction from what was now recognised to be the fount of all jurisdiction in this country. The sovereign gave the right to *exercise* spiritual power, the spiritual power itself was conferred by the imposition of hands by the four consecrating bishops.

The Pope was much concerned at all these proceedings, and in hopes of reconciling the kingdom once more he sent a Papal Nuncio, Vincenzio Parpaglia, and at the same time wrote to the Emperor Ferdinand, to the King of Spain, and to Elizabeth.

To Ferdinand he wrote: 'Assist me, Ferdinand, to maintain in the unity of the Church Catholic a realm so lately recovered. Write to this queen; tell her that she shall have from me whatever she may deem requisite to confirm her in her kingdom.'

To Elizabeth he wrote: 'Elizabeth, our dearest daughter, how much we desire to aid thee is known to Him Who searches the heart. Thou art promised by us everything that concerns thy soul's salvation and the confirmation of thy royal dignity, according to our authority and place.'

But Parpaglia got no further than Brussels, and finding that he would not be received, he returned to Rome. The mission was bound to fail, for Pope Pius offered no concession as to jurisdiction, but only invited to an unconditional reconciliation, following which he would issue a Papal confirmation of Elizabeth's legitimacy. Another attempt was made to send the Abbé Martinengo, who also came as far as Brussels, and negotiated through Quadra, the Spanish Ambassador in England. A meeting of the Privy Council was held at Greenwich, May 1, 1561, when all agreed that the mission could not be received, because the invitation to the proposed continuation of the Council of Trent, which he brought, was not addressed to the Queen in the same terms as to other sovereigns, and English bishops could only attend the Council on condition that they should sit and vote with other bishops. The English also objected to the Council that it was not free, not being called by princes as the ancient Councils were, but by the Pope, who would preside not as president but as ruler, so that the very person whose claims were disputed was to be the judge as to the righteousness of the claims. After this attempt no further Papal overtures were made.

So far then the civil power had intervened to settle the organisation and worship of the Church.

It was now left to the Church itself to settle its doctrine in its own Convocation. A Convocation was held therefore in 1562, when eleven articles of faith were drawn up as a temporary statement of the doctrine to be taught, these eleven articles forming a connecting link between the forty-two articles of Edward VI. and the thirty-nine finally adopted. The articles dealt with questions as follows:—1. The Trinity; 2. Holy Scripture and the three Creeds; 3. The Church, asserting the right of a national Church to ordain rites and ceremonies; 4. The ministry, excluding all who were not lawfully ordained; 5. The Supremacy; 6. Denying the jurisdiction of the Bishop of Rome over other bishops; 7. The Book of Common Prayer asserted to be Scriptural; 8. Rejecting exorcism, oil, salt, and spittle, in baptism; 9, 10. The true doctrine of the Mass; 11. Disallowing images in churches.

Convocation then proceeded to discuss the forty-two articles of Edward VI., and after much discussion, and the modification of some and deletion of others, they came out eventually in 1571 as the famous thirty-nine articles, the Confession of the Church of England. They do not form a part of the Prayer Book and are not binding on the laity, but are only intended to secure uniformity of teaching by the clergy. Convocation also accepted Nowell's Catechism, and Jewel's Apology was recognised as the official defence of the Reformed Church.

And now we may pause to examine what had been done in these eventful years, and how the Church of England stood with respect to the State and to the rest of the Catholic Church. Dr. Gee, in his book on the Elizabethan clergy, thus sums up the results of the work done between 1558 and 1563:—(1) There was at the beginning of Elizabeth's reign a large amount of hostility amongst the clergy, especially in the higher ranks, to any further change. Many who had accepted the changes of Henry VIII. and Edward VI., and had then been 'reconciled,' felt a natural shame at going back to their former position. (2) The Supremacy and Uniformity Acts, together with the Injunctions, had been established, and had caused the deprivation of all the Marian bishops except one. (3) The royal visitation of the provinces had sifted the loyal from the disloyal clergy, and had shown, by the small number of those eventually deprived, that the great majority of the clergy were ready at least to acquiesce. (4) The establishment of the permanent commission in London, before which were tried cases remitted from the travelling commissions, was acting temperately in treatment of the deprived.

The imprisonment of the deprived bishops was of a mild character, and there were no death penalties. (5) The metropolitical visitation of the province of Canterbury had shown a tolerable state of conformity. (6) A similar visitation of the York province showed that there was more difficulty in the north. (7) Parliament found it necessary because of the opposition still existent to pass the Act of Assurance of Supremacy, making the penalty for not taking the oath more stringent; recusancy was to incur a traitor's death after a second refusal, and spiritual censures were made more sure by the Act *De excommunicato capiendo*, giving greater power to sheriffs to deal with excommunicated offenders. But there were no executions, and the penalties were not pressed rigorously. (8) It is very difficult to discover the exact number of those deprived, but the number probably does not much exceed two hundred.

The position of our Church was much misrepresented on the Continent, and it was constantly asserted that the English nation had created a new religion. The Emperor Ferdinand writes to Elizabeth: 'Although your Majesty follow a different religion, be it far from you to persecute, harass, exterminate, and oppress your Catholic subjects. Nay, rather grant them one church in every town, wherein they may worship freely.' The Queen's answer was: That it was much for her to have dealt mildly with men who had set themselves so insolently against her laws and the tranquillity of her faithful subjects: men, the chief of whom, in her father's and her brother's reign, had maintained publicly in preaching and writing the doctrine which they now stubbornly rejected; that as to granting them churches she could do no such thing with safety, honour, or conscience. 'I and my countrymen,' she said, 'follow no new or strange religions, but that same religion which is approved by the mind and voice of the greatest Fathers. To allow churches for diversity of rites would be nothing but propagating one religion out of another, distracting the minds of good men, nursing factions, pestering the commonwealth; a thing of detestable example and very dangerous.'[1]

It is plain from this that Elizabeth considered the English Church as no newly created thing, but as a part of the Catholic Church, which had made use of a right inherent in national churches of settling its own uses. Cardinal Pole had not treated the English Church as a newly created body: he affirms in *Reformatio Angliæ*: 'That this Church of England, through the misfortune of the past schism, had been very much deformed, both in doctrine and practice,' and therefore needs reformation. He did not re-establish a destroyed Church, but 'reconciled' an existing Church.

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[1] Dixon, *History of the Church*, vol. v. p. 421.

The remarks of Mr. Gladstone, in *The State in its Relations with the Church*, are also in point here; he says: 'I can find no trace of that opinion which is now common in the mouths of unthinking persons, that the Roman Catholic Church was abolished in England at the period of the Reformation, and that a Protestant Church was put in its place; nor does there appear to have been so much as a doubt in the mind of any one (of the Reformers), whether the Church legally established in England after the Reformation was the same institution with the Church legally established in England before the Reformation. When Whitgift died, with the memorable words "*Pro Ecclesia Dei*" on his lips, the image that hovered before the mind of the aged and faithful Primate was no device of the human fancy, no creature of civil law, but a determinate, transmitted gift of God, the Church of all times and of all places, to him represented, but not limited, by its local organisation in England. In short, the spirit of the English Reformation, with respect to the continuity of the Church, cannot be better exemplified than by the words of the *congé d'élire*, in which Elizabeth empowered the Dean and Chapter of Canterbury to elect Parker to the Metropolitical See: "Since the aforesaid Church is now vacant by the natural death of the Most Reverend Father and Lord in Christ, Reginald Pole, and is deprived of the comfort of a pastor, . . . therefore we give you our licence as Founder to proceed to a new election, and recommend accordingly."'

The cases of Scotland and England supply instances of what is alleged against the English Church, and what it really is. In Scotland the Parliament actually did pass an Act in 1560, which completely destroyed the ancient Church in Scotland and abolished the ancient worship. The Mass was abolished, and upon a third conviction the sayer or hearer of Mass was to be put to death. As the fundamental principles of the newly created Church Knox's *Confession of Faith* and *Book of Discipline* were adopted. Episcopacy was abolished, the General Assembly set up, and thus the old Church was completely superseded by a new ecclesiastical body, with new doctrine and discipline, the creation of John Knox. The Scotch 'Kirk' is a new body, having not a single link with the Catholic Church of past ages, whereas the English Church is, as Archbishop Whately said, 'the old church with its face washed.' The continuity of its ministry was maintained by the unbroken succession of its bishops, and the continuity of its worship was maintained by the old Liturgy, purged of mediæval corruption and presented in an English translation.

The position of the Church of England then, in 1560, stood thus: on the one hand it had cast off the burden of the Papal Supremacy, whilst on the other hand it had discarded the equally unscriptural and uncatholic Royal Headship, at the same time avoiding the mistake of the Erastian Protestant bodies of the Continent, which treated the Church simply as an ecclesiastical department of the State.

Again, the best summary of the position is to be found in Mr. Gladstone's book, to which we referred above, *The State in its Relations with the Church.* Mr. Gladstone conceives Church and State as two independent bodies entering into a compact for their mutual benefit. There must be over both one power which can regulate their relationship. That power may derive its character mainly from one body, but that does not destroy the independence of the other, because there can always be a dissolution of partnership. The spiritual powers of the Church may be administered by bishops, but when the alliance is made the Church becomes an estate of the realm, and there must be an authority, neither purely ecclesiastical nor purely civil, to regulate relations. The King is this authority, and therefore exercises appellate jurisdiction; he judges not the cause but the judgment, *i.e.* whether the judgment is in accordance with the compact, and whether the conditions upon which property is held are fulfilled.

This authority of the Sovereign is chiefly negative, the general principle being that neither body may do what affects its relations with the other without the consent of the other. Therefore the Sovereign claims a veto on Church canons, and his permission is necessary for the meeting of Convocation; but he does not claim the right to make laws for the Church. On the other hand, the Church does not claim a veto on the action of the State, because what she renders to the State, *i.e.* the teaching of obedience and the promotion of piety and virtue, she owes to it whatever changes it may undergo. The alliance is one *durante bene placito* of both. Twice has the alliance been partially broken—when Mary expelled lawful bishops and clergy, and when the nonjurors formed their schism; and once generally broken, when the Long Parliament expelled eight thousand clergy, and set up a Presbyterian organisation. But the compact to-day is practically that which was made in the days of Elizabeth.

The law governing the position of the Sovereign is expressed by Blackstone: 'To govern according to law; to execute judgment in mercy; to maintain the established religion.' It is asserted in the Coronation Oath: 'To maintain the laws of God, the true profession of the Gospel, and the Protestant Reformed religion established by law: to preserve unto the bishops and clergy of this realm, and to the churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them.'

The duty of the sovereign is *executive*, to defend the Church; it is *judicial*, to determine all questions which arise in mixed subject-matter out of the relations between Church and State; it is *negative*, permitting the Church to consider about matters concerning her welfare, the decision to be submitted to Parliament, to see how it affects the compact, and that the Church may know, from the decision of Parliament, that the compact continues unimpaired.

Elizabeth seems to have fully understood the nature of this compact. She showed a fixed determination to make the Church do its own work, and when she saw the bishops inclined to look for State support she urged them to act for themselves, and resolutely refused royal or parliamentary interference. This was the cause of serious trouble to Parker, who had to enforce discipline upon refractory nonconforming clergy, having behind him the stern injunctions of the Queen, and before him all the obloquy of being accounted an intolerant and tyrannical prelate.

And Elizabeth was equally determined not to allow Parliament to assume any of the functions inherent in the Royal Supremacy. Parliament might legislate to establish the Reformed settlement, but when this was done she would allow no further interference in the matter of defining Church doctrine. The House of Commons in 1566 wished to establish the articles of religion. The Bill passed and was sent to the Lords, but was stopped by order of the Queen.

She showed the same spirit later, when Mr. Strickland made a speech in the Commons, asking the House to appoint committees for the reformation of the Prayer Book and of certain abuses in Church government. The House promised to appoint committees, and Mr. Strickland introduced a Bill to carry out his project. But he was sent for by the Council and detained for infringing the prerogative of the Queen, and the Speaker stopped the debate. Elizabeth's idea of the relation between Parliament and Church was that Parliament might only deal with Church matters as required by the Crown, and might not initiate legislation.

And later the Queen sent a message that she had given the execution of the Articles into the hands of the bishops, by direction of her authority as Supreme Governor of the Church, and that she chose not to have such matters dealt with by Parliament. Likewise in the Parliament of 1572 there was delivered a message from the Queen: 'That Her Highness' pleasure is, that from henceforth no Bills concerning religion shall be preferred or received into this House, unless the same should be first considered and liked by the clergy.'

This message was resented by Peter Wentworth in a succeeding Parliament, and described as a 'doleful message,' for which speech Wentworth was sent to the Tower, and kept prisoner for a month.

Again the House prepared to deal with the question of Church discipline, but Elizabeth sent answer to the petition that 'Her Majesty before this Parliament had a care to provide in that case of her own disposition; and at the beginning of this session Her Highness had conference therein with some of the bishops, and gave them in charge to see due reformation thereof; wherein, as Her Majesty thinketh, they will have good consideration according to her pleasure and express commandment in that behalf; and further, if the said bishops should neglect or omit their duties therein, then Her Majesty, by her supreme power and authority over the Church of England, will speedily see such good redress therein as may satisfy the expectation of loving subjects to their contentation.'

Once more, in 1581, when the House of Commons asked the bishops to join in a petition to the Queen for redress of grievances, the Queen would allow reform only on condition that it should be carried out by the bishops without intervention of Parliament, thus showing that she held the principle of episcopal government even more strongly than the bishops themselves.

But Elizabeth was inclined often to stretch the royal prerogative in her dealings with the bishops, and although she declined the Headship in the sense in which her father claimed it, she sometimes acted like a royal pope. The more zealous of the clergy had initiated gatherings for the study of Holy Scripture, much in the same form as our modern clerical societies. These meetings were called 'prophesyings,' and Elizabeth suspected that they might lead to sedition. She therefore ordered Parker to cause them to cease. Parker felt that he had a difficult and delicate task, for men so eminent as Coxe and Sandys were in favour of the 'prophesyings,' but he obeyed the Queen and suppressed the meetings. But when Grindal became archbishop, and the Queen required him to continue Parker's policy, he proposed instead to regulate the meetings, and to guard against abuses, for he was distinctly in favour of such gatherings, as a means of edification and improvement of the clergy.

This proposal drew from the Queen a more peremptory order for suppression, to which Grindal replied in a dignified letter, pleading that the prerogatives of the Primacy were as sacred as those of the Crown. But Elizabeth was inexorable, and she sequestrated the archbishopric for a period of five years. Although Grindal had for a time the powerful support of Leicester and Burghley, the Queen determined to have her own way, and she remitted the case to the Star Chamber, by which Grindal was ordered to confine himself to his own house, and he was suspended from the execution of his office.

But Grindal took little notice of the sequestration, for he officiated at the consecration of the Bishops of Exeter, Winchester, Lichfield, and Coventry, and made all arrangements for the Convocation of 1580, and continued his Metropolitical visitation. He showed himself willing to respect the Queen's will in affairs of State, but determined to uphold the spiritual independence of the Church.

The Convocation took up the cause of Grindal, and it was proposed at first to decline entering upon public business and to refuse to grant a subsidy, until the sequestration was annulled. But more moderate counsels prevailed, and in the end a petition in Latin was forwarded to the Queen, asking for the archbishop's restitution. A letter to the same effect was sent by the bishops of the province, with the result that the archbishop was restored to his office.

It is evident from the literature of the period that Grindal had the full sympathy of the people. Spenser, for instance, in the *Shepheard's Calendar*, thus speaks of 'Algrind,' or Grindal:

'But say mee, what is Algrind, hee
That is so oft bynempt?
Hee is a shepheard great in gree,
But hath bene long ypent:
. . . .
Ah! good Algrind! his hap was ill,
But shall be better in time.'

There were other difficulties between Elizabeth and her successive archbishops, Parker, Grindal, and

Whitgift, caused by this same stretching of the royal prerogative. Elizabeth followed the example of previous sovereigns in dealing with Church lands, forcing the Church to accept unfavourable exchanges of Church lands for Crown lands, appropriating Church lands, and keeping the Primacy vacant as long as possible, on account of the revenue during the interim coming to the Crown. Grindal recovered a house and eighty acres of land at Battersea, belonging to the Archbishopric of York; and Whitgift wrote a strong letter to the Queen on the subject of Crown lands, reminding her of S. Paul's warning in the Epistle to the Romans: 'Thou that abhorrest idols dost thou commit sacrilege?' And in conclusion he makes a striking appeal to the Queen for justice: 'Madam, religion is the foundation and cement of human societies; and when they that serve at God's Altar shall be exposed to poverty, then religion itself will be exposed to scorn, and become contemptible; as you may already observe it to be in too many poor vicarages in this nation. And therefore, as you are by a late Act or Acts of Parliament entrusted with a great power to preserve or waste the Church's lands, yet dispose of them, for Jesus' sake, as you have promised to men, and vowed to God, that is, as the donors intended: let neither falsehood nor flattery beguile you to do otherwise; but put a stop to God's and the Levite's portion, I beseech you, and to the approaching ruins of His Church, as you expect comfort at the last great day; for kings must be judged.'[1]

There is truth in this letter applicable in the present day, when we hear so much of the poverty of the clergy, a poverty which would not exist had not the Church been so often robbed by royal and other spoilers.

But although Elizabeth showed the Tudor character in these high-handed proceedings, she would allow no one else to injure the Church, just as a mother will sometimes chastise a child roughly, but will protest strongly if another person lays hands on him. So she told a deputation from Convocation that she would call to account any that molested the Church in dealing with its own business, even though they should be supported by the Council.

In 1587 Mr. Cope tried to introduce a Bill for substituting the Genevan Service for the Book of Common Prayer, but the Speaker reminded the House of the Queen's former message, and the result was that after some debate Mr. Cope and other supporters of the Bill were sent to the Tower. The Queen declared herself satisfied with the Reformation; objected to the Genevan Book as prejudicial from many points of view; and said that the petition was an infringement of the royal prerogative, and the supremacy in Church causes now annexed to the imperial crown of this realm.

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[1] Hook, *Lives of the Archbishops*, vol. v. p. 136.

Once more, in 1593, a message was sent to Sir E. Cooke, the Speaker: 'Mr. Speaker, Her Majesty's pleasure is that if you perceive any idle heads that will meddle with reforming the Church and transforming the Commonwealth, and do exhibit any Bills to such purpose, that you receive them not until they be viewed and considered by these, who it is fitter should consider such things and can better judge of them.'

We shall not be surprised after this to find the Convocation doing real and effective work during this reign. The bishops, at the beginning of Elizabeth's reign, had put forth Eleven Articles as the statement of Anglican doctrine, to serve until the celebrated Thirty-nine Articles should be issued. The Forty-two Articles of Edward vi. having been considered by this Convocation, and reduced to Thirty-eight, the Thirty-eight were issued by the Convocation of 1562, both provinces concurring. In the same Convocation the Puritan party made attempts to get some of their doctrines adopted, and proposed the abolition of the sign of the cross in baptism, kneeling at communion, copes, surplices, caps and gowns, and saints' days, but the attempts failed, and these Catholic practices were retained, whilst the Catechism, the Articles, and Jewel's Apology were set forth as the authorised standards of doctrine, as well as the Homilies.

Another important Convocation was that of 1571, when the Articles, now thirty-nine in number, were read and solemnly confirmed and subscribed by both Houses. It was ordered that the Articles should be read four times every year in each parish, and that every one admitted to Holy Orders should be required to subscribe them. The bishops were ordered to demand the licences of the clergy then acting, and not to restore them until the Articles had been subscribed. From that time up to the present subscription to the Articles has been a necessary condition of ordination and presentation to a benefice. And it is important to note that this condition was not imposed by the State but by the Church, and if at any time the condition should be relaxed it will need no Act of Parliament, but simply an act of the Church Convocation.

A book of canons was authorised by the Upper House of this Convocation, but not submitted to the Lower House. It was entitled *Liber quorundam*

Canonum Disciplinæ Ecclesiæ Anglicanæ, and although not sanctioned by the whole Convocation, the canons were allowed by the Queen, who regarded the authority of the bishops as sufficient, and acted upon by the bishops in their dioceses. The canons were also subscribed by Grindal, then Archbishop of York, and his suffragans.

The Convocation of 1575 made further progress in the establishment of Church order. It was enacted that candidates for ordination should produce testimonials, and be able to give an account of their faith in Latin, that no one should be made a deacon under the age of twenty-three, nor priest under twenty-four. Bishops were not to ordain persons from other dioceses without letters dimissory from the bishops of those dioceses, and bishops were instructed to see that the Catechism was taught in every parish.

We have used the term Convocation as applying to both provinces, because the general rule was that what was done in the Convocation of Canterbury was accepted by that of York. The Province of Canterbury being in closer touch with Queen and Parliament, and the Convocation of that province being greater in numbers and more influential in character, had naturally a preponderating influence.

During the rest of the reign of Elizabeth we find constantly maintained the principle upon which Elizabeth habitually insisted, that Church matters should be dealt with by the Church in its own legislative body, and only when matters were of such a nature as to affect the compact between Church and State were they dealt with in Parliament. Other Convocations of this reign made further regulations as to discipline, registration of births, marriages, and deaths, the keeping of a church-chest for safe custody of books; and Convocation maintained the right of the clergy to tax themselves, and to grant subsidies to the Crown.

CHAPTER XI

NEW CONDITIONS

BUT now Church and State had to face another and quite new problem—that of Toleration. From the time when England became Christian down to 1570 there had always been one recognised Church in England. It had been found necessary to make laws limiting the interference of the Patriarch of Western Christendom, and at length his claim to jurisdiction in England was unanimously rejected by Church and State, which, however, did not involve the denial of the ancient Primacy of honour which the Western Church had accorded him for centuries. It was not thought that the rejection of the claim to jurisdiction had made any breach in the relations between the Church in England and that of the Continent, and for forty years, through the reigns of Henry VIII., Edward VI., Mary, and Elizabeth, all Christians in England had continued to worship together in their parish churches. But in 1570 Pope Pius v. issued a bull excommunicating Elizabeth, absolving her subjects from their allegiance, declaring the throne vacant, and ordering all who were loyal to the Pope to separate themselves from the Church of England.

The immediate result of this was to force those who still believed in the validity of the Papal claims to choose between loyalty to their Queen and loyalty to the Pope. And as in the bull a close connection was established between citizenship and membership of the Church, it compelled men to choose between loyal membership of the Church and schism. So intimately were loyalty to Queen and Church connected in the circumstances that it appeared quite clear that a recusant must also be a traitor. The Pope made it so, and Queen and nation could but accept the challenge, so that recusants were perforce treated as traitors. If the Pope had simply asked those who disliked the English worship and recognised his spiritual jurisdiction in England to worship apart, there would have been an ecclesiastical schism, on the same footing as that of the Separatist Puritans who began to form congregations two years earlier, but it would have been confined to the ecclesiastical sphere. By coupling with the religious separation an order to be disloyal to the Queen he made disloyalty a part of the creed of the new body he established.

But this was not all: the bull was not allowed to pass as an 'academical' statement of Papal claims, but was followed by plots to murder the Queen, and by secret missions of seminary priests and Jesuits, intended to cause disturbance in the country. Some of their priests confessed, when apprehended, that their one great object was to murder the Queen. Her life was in constant danger, as she well knew, and as she told her Parliament, 'I know no creature that breatheth whose life standeth hourly in more peril for it than mine own is.'

Romanists are taught to dignify those who suffered in Elizabeth's reign with the honourable name of martyrs, and it is often asserted that the executions under Elizabeth balance those under Mary. But the cases are different. Those burnt under Mary were burnt as heretics for not accepting certain religious doctrines, or for speaking against them. The priests who suffered under Elizabeth were not *burnt* as heretics, but *hanged* as traitors. The cause of their death was the Pope, who had associated the Romish tenets with disloyalty, and had sent missionaries to preach this doctrine. Not one person was executed for holding the peculiar tenets of Rome, or for refusing to worship with the old Church.

The laws against Romish recusants were severe in appearance, but in actual operation they were gentle towards those who were merely religious dissenters. A net had to be made to catch the seminary priests who had come over to preach the duty of murder, but the meshes were made so as to let through all who promised to be quiet, not to attempt to proselytise, and not to make any attempt on the Queen's life. Hallam, in his *Constitutional History*, says that any man could save his life by denying the Pope's power to depose the Queen. So too Hume says that, allowing for the prevailing prejudices of the time, the conduct of the Queen could not be called severe or imprudent; that she did not make any inquisition as to conscientious belief, and imposed no oath of supremacy except upon those holding public offices; and that although the exercise of every religion except that of the Established Church was forbidden, yet the saying of Mass in private houses was connived at. Rapin remarks that although some Roman Catholics suffered, yet none were punished except their offence included conspiracy against the Queen. Romanists who lived peacefully were tolerated, with some restraint upon the exercise of their religion, but none upon their consciences.[1] Whitgift often pleaded for mercy even to the Jesuits who were guilty of conspiracy.

Full toleration of the Roman schism was not possible so long as the bull of Pius v. remained unrepealed. The utmost that could be done, and that was done, was to separate the religious Papists of England from the politico-religious Jesuit emissaries, to be gentle to the poor misguided sheep who would not follow their own shepherds, but severe to the hirelings who climbed over the wall and caused disturbance in the fold.

But there were other dissenters besides Romanists. Some of the Puritans, after giving great trouble as Nonconformists within the Church, and despairing of ever bringing the Church to their ideas, at length began to form Separatist bodies, and as laws could not be framed to punish Romish recusants and at the same time to licence Puritan recusants, the law began to take effect upon the Separatist Puritans. And as was the case with Popish recusants, the law was not unduly pressed until it was seen that religious recusancy was combined with political rebellion, so as to be a danger both to Church and State. The issue of 'Marprelate' Tracts, printed secretly with a press which was carried about the country, under the pseudonym of Martin Marprelate, roused the strong opposition of all loyal churchmen, and led to stern measures of repression.

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[1] Quoted by Hook, *Lives of the Archbishops*, vol. v. p. 146.

The language used by 'Martin Marprelate' is coarse and ribald in an extraordinary degree. For instance, the 'Epistle' is addressed, 'To the Right Puisante and Terrible Priests—worshipful Paltripolitans,' and it begins, 'Right poysond, persecuting, and terrible priests.' Further on, 'Martin' hopes to 'have twenty fists about your eares more than your own,' a threat of violence towards the bishops. And such is the language used throughout the Tracts, the Archbishop of Canterbury being addressed as 'the Beelzebub of Canterbury,' 'the Canterbury Caiaphas,' and the bishops as 'incarnate devils, cozening knaves, enemies of God.'[1] In our time such scurrilous productions might be treated with contempt, or at most might form matter for a libel trial, but in the days when the Church was emerging from a great struggle, and when Church and nation were so intimately connected, and when men had not yet realised the possibility of the existence in peaceful rivalry of a hundred sects, this treatment of the authority of the Church, which was established by consent of the State, seemed to be a defiance of the very fundamental principles of law and order, and the nation resolved to suppress this faction, as a danger to national welfare.

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[1] *Martin Marprelate Tracts*, Arber's reprint.

The result of the enforcement of the anti-Puritan laws was the execution of John Penry, and the death in prison of John Udall, who are now regarded as Puritan martyrs, with perhaps as good reason as the Romish 'martyrs.'

The means by which pressure could be brought to bear upon recusants were the Act of Supremacy of 1559, which required an oath acknowledging the Royal Supremacy in Church and State from all holders of public offices, and fixed penalties for all convicted of impugning the supremacy; the Act of Uniformity, 1559, which was the State recognition of the Prayer Book and of the system of worship involved in its adoption, and assigned penalties for those convicted of absenting themselves from worship in the parish churches; the Advertisements drawn up by Parker in 1566, for the regulation of the clergy, which received no sanction from Parliament or Sovereign, in accordance with Elizabeth's determination not to allow State interference in purely spiritual matters; the Canons of 1571, having the authority of Convocation, but not signed by the Queen, for the same reason; the Act of 1571, in confirmation of resolutions of Convocation requiring subscription to the Thirty-nine Articles from all holders of benefices, and all who should be ordained; the Act against Jesuits and seminary priests, 1585, which specified the danger to the Queen's life and to the public safety arising from the influx of these agents of Rome, ordered them all to leave the realm, and made it a felony to harbour them; the Act against Puritans, 1593, assigning penalties on conviction of having deserted the worship of the Church, and attended conventicles; and finally an Act against Popish recusants, 1593, compelling recusants to reside in a fixed place and not to remove more than five miles from it without licence from two justices of the peace, and further requiring parish priests to make lists of recusants in their parishes, such lists to be given to the justices in Quarter Sessions.

These laws were enforced, as they affected the supremacy, by the Court of Star Chamber, a purely civil tribunal, in which, however, the Primate had a seat, and sat unwillingly, and only when there was business affecting the Church; and the Court of High Commission, established by the eighteenth clause of the Act of Supremacy for the purpose of exercising the Royal Supremacy in matters ecclesiastical, and consisting, after its final constitution in 1583, of forty-four members, of whom twelve were bishops, twelve lay privy councillors, and the rest an equal number of clergy and laity. This latter Court was looked upon with suspicion from the first, and its methods of administering oaths and interrogatories were intensely disliked. Cecil spoke of it in 1571 as 'too much savouring of the Romish Inquisition, and rather a device to seek for offenders than to reform any.' Its methods made Englishmen feel that the limits of suppression had been reached, and produced the reaction which grew in strength until full toleration of variations in opinion was reached.

Although there are many points in the firm policy of Elizabeth and her Primates which seem to us to savour of bigoted intolerance, we must be careful not to judge the action of the sixteenth century by the standards of the twentieth. A process of evolution which has now far advanced was then in a very early stage, and if we look at the principles inherited by the generation of Elizabeth's reign from the generations preceding, we shall see that every step, even the attempts to repress Popish recusants and Puritan separatists, was a step in advance of the times which evolved and put in action the Statute *De Hæretico Comburendo.* It was not possible to leap at once from the mediæval ideal of a fixed uniformity both in faith and worship to the modern theory of complete toleration for the widest diversity.

The stages by which we have travelled have been marked by continuous attempts to allow for new ideas without losing hold of the old ones, and the conflict between the old and dying and the new and growing has made much of the history of the past three centuries.

Private judgment had been asserted as a personal right, but when it was found that private judgment led men into many extravagances of opinion, which threatened, when carried into practice, the equilibrium of Church and State, the practical common-sense which is the chief characteristic of the English race found it in practice necessary for the common good to impose checks upon what had been allowed as theoretically right.

So, amidst the apparent intolerance of the Penal Statutes, we may still see the beginning of Toleration. In the connivance of Queen and ministers with regard to recusants and separatists, we see the recognition of the principle that no penalties should be inflicted upon religious profession except when this profession is harmful in its effects upon the common weal. The principle in operation at the beginning of the Reformation—a principle held as strongly at Genevà as at Rome—was that uniformity in religion is absolutely essential to citizenship. From this a step was made to a modified form of the principle that uniformity is desirable, though not essential, but still essential for the holding of public offices; and even for citizenship uniformity in essentials was required. A further step was made when heresy came to be regarded less as a disease which rendered a man unfit for the rights of citizenship than a cause of action dangerous to the public welfare: hence heretical worship was discouraged as a disturbing element. Following this it was agreed that separation should not be made penal, but separatist assemblies prevented, so that it might not spread.

It might well be regarded as a fault in the English Reformation that it gave to the Sovereign too much of the power taken from the Pope, and allowed that power to be exercised in an arbitrary way through the Court of High Commission. But this was almost unavoidable at the time, for there was as yet no other recognised authority capable of inheriting that vast power. There was constant danger from the powerful influence of the Papacy, and it was felt that the strength of our national position would consist in uniting civil and ecclesiastical power in one Supreme Governor. Our reformers were patriots as well as Catholics, and they were determined to have a free nation, independent of foreign control in every way. For they felt the great truth that every nation has a personality of its own, a collective strength, a collective responsibility. There must be a ruler over the individuals of a nation, but God had not constituted any ruler over all the nations. The nations unite in alliances and federations for mutual defence, but recognise no universal emperor; so the whole Catholic Church is a free federation of national churches, and ought not to be subject to any pope.

Therefore the nation, in asserting the freedom of its own Church, was not conscious of any attempt to make a schism. There was no new organisation of a rival Church until 1570, when the Papists were not *cast out* by the Church, but *called out* by the Pope.

Then began the difficulty about toleration. The nation found itself face to face with a new condition. Here was the old Church, and growing up like weeds, as it seemed to that generation, were the two schisms, Papal and Puritan. Therefore, in accordance with the old principle that the Church and State should be conterminous, the Oath of Supremacy was imposed, and rival worship suppressed. But not on the grounds upon which the Inquisition was established. Mr. Gladstone says that 'it is the mere cant of controversy, or the dogmatism of ignorance, to say that Protestants and Romanists persecuted alike.' Joan Bocher was burnt in 1550 for denying the Incarnation. We do not defend the burning of this poor fanatic, but simply point out that the grounds of punishment for heresy were narrowed to the fundamental doctrine of the Christian faith. No man or woman was burnt after 1560 for teaching Transubstantiation or for denying the Real Presence. The Roman 'martyrs' were hanged, not burnt, as traitors to the State, and not for their religious opinions.

In the Advertisements of 1564 we read what may be considered as the first assertion of toleration: 'Not yet prescribing the rules as laws equivalent with the eternal word of God, and as of necessity to bind the consciences of her subjects in the nature of the said laws, considered in themselves; or as that they should add any efficacy of more holiness to the ministration of prayer and Sacraments, but as constitutions mere ecclesiastical, without any vain superstition, as positive laws in discipline, concerning decency, distinctions, and order for the time.' The contrast between moderate language such as this, and such as we find in the Preface to the Prayer Book, and the language of the 'Marprelate' Tracts, or that of the bull of Pius v., is significant.

So Cecil asserted, in 1583, that recusants were punished not for the doctrinal character of recusancy but for its social and political results. Walsingham wrote to the same effect in 1580, and similarly in the Act of 5 Elizabeth, chap. I. section 17: 'Provided always that, forasmuch as the Queen's Majesty is otherwise sufficiently assured of the faith and loyalty of the temporal lords of her High Court of Parliament,' the Oaths of Supremacy shall not be required of them, nor shall they be subject to penalties for refusing it. Thus religion was left free so long as allegiance was secured.[1]

[1] For a striking confirmation of the truth of the remarks in this chapter on the so-called martyrdom of Romanists, see the writings of the late Dr. T. G. Law referred to in Appendix F.

CHAPTER XII

DIFFICULTIES WITH THE PURITANS

Elizabeth left the Church firmly established, and secured by its compact with the State in its position as the recognised National Church, remaining in all essentials the same as it had ever been, protected by legislation against the claims of Rome on the one hand, and the disturbing forces of Genevan Nonconformity on the other.

But Nonconformity and Separation were forces to be reckoned with, all the more because of their constant attempts to make Parliament the Court of Appeal for the Church, as to doctrine, worship, and discipline. It was found necessary in the next reign to hold the Hampton Court Conference, where points of difference were argued out. James, however, was as firm in upholding the Royal Supremacy as Elizabeth had been. The Constitutions and Canons Ecclesiastical were drawn up by the Synod held in London, by the King's licence, and the royal assent was given 'according to the form of a certain Statute or Act of Parliament, made in that behalf in the twenty-fifth year of the reign of King Henry VIII., and by our said Prerogative Royal and Supreme Authority in causes ecclesiastical, to ratify by our Letters Patent under our Great Seal of England.'

One little incident in connection with the royal assent is important. The King ordered the canons to be received also in the Province of York, but the Convocation of that province objected that they were not bound by canons made in the Convocation of the other province. The King therefore gave his royal licence for the Northern Convocation to enact canons; the Convocation met and accepted the canons of Canterbury, thus establishing the independence of the York Convocation.

The enactment of these canons was the final act of the long process of the settlement of the Church on its reformed basis, and they have continued to be the law book of the Church up to the present time.

During the remainder of the reign of James I. the question of Parliamentary government of the Church was left alone, the only Acts of Parliament referring to Church matters being Acts regulating the possessions of archbishops and bishops, for the execution of the Statutes against Jesuits and Seminarists, specifying what kinds of meat might be eaten in Lent by licence, establishing the Fifth of November as a day of solemn observance, and against Popish recusants. The reign of James was a period of acquiescence in the Elizabethan settlement, but beneath the apparently placid surface the terrible Puritan fury was developing, ready to burst forth in the next reign and end in the temporary destruction of the Church by the Parliament.

The way to the Puritan reaction was to a large extent prepared by the weakness and vacillation of Abbot, Archbishop of Canterbury from 1611 to 1633, together with the constant stretch of the royal prerogative in both Church and State by King James, who had the self-willed obstinacy of his Tudor predecessors without their mental power and personal popularity, and King and archbishop agreed to treat Puritans with a severity that was inexcusable. The King extended the powers of the Court of High Commission so that it was gradually usurping the functions of all other Church courts. He terrified lovers of liberty by lighting once again the fires for burning heretics, even going out of his way to influence judges in their condemnation. Legate was burnt at Smithfield for Arianism, after an argument with the King, during which the King demeaned himself by kicking the poor heretic; and Wightman was burnt as an Anabaptist at Lichfield.

The King next made two serious mistakes which aroused the strong feeling of the Puritans. He tried to make Abbot take a share in the disgraceful proceedings attending the divorce of the Countess of Essex and her remarriage to Carr, the royal favourite, but Abbot refused, to his lasting honour. Afterwards the King committed the great tactical mistake of trying to force the *Book of Sports* upon an unwilling clergy, and this, too, Abbot opposed, and thus gained back some of the goodwill of the Puritans, who now claimed to be the preservers of the sanctity of the Lord's Day.

But Abbot's most serious difficulty arose from his accidental shooting of a keeper during a stag-hunt. The Puritans contended that Abbot, as an ecclesiastic, ought not to have been engaged in hunting, whilst bishops-elect refused to be consecrated by hands stained with blood. So strong was the feeling on both sides that the King was obliged to appoint a Commission to examine the matter. The Commission having reported that Abbot had caused scandal, but might be restored to the Primacy on his sueing for a dispensation, the King appointed a Commission of eight bishops under the great seal to restore the archbishop. This matter was the result of a pure mischance, but it added fuel to the fire of contention, and when, after a career of mingled strength and weakness, Abbot died in 1633, he left behind him the materials for all the troubles which came so abundantly to his successor, William Laud.

With the advent of Laud to the Primacy there began a struggle for supremacy over the Church. On the one side were those who held with Laud to the Reformation settlement—State and Church acting as two independent bodies in alliance under the Sovereign as Supreme Governor of both, State laws being made by Parliament, Church làws by Convocation, but laws affecting the relations between Church and State made by Convocation and Parliament conjointly. But on the other side the Puritan party were determined that Parliament should rule the Church as well as the State. And as is usually the case when two parties are striving for mastery, both asserted their respective principles in the most extreme form.

On the Church side Sibthorpe asserted in a sermon at Northampton that if princes command anything which subjects may not perform, because it is against the laws of God or of Nature, or impossible, yet subjects are bound to undergo the punishment without either railing or reviling, and so to yield a passive obedience where they cannot exhibit an active one. Mainwaring preached a sermon at Whitehall, in which he affirmed that the King is not bound to preserve the subject in his legal rights and liberties; that his royal will and absolute command in imposing loans and taxes, though without the consent of Parliament, ought to be obeyed by the subject, under the penalty of eternal damnation.

Such views roused Puritan fury to fever heat, and Laud, although he did not hold such extreme views of the royal prerogative at first, incurred the odium of the Puritans, because he stood by the men who uttered them. He defended the men, not the principles, because he saw that under cover of attacking these extreme statements the enemies of the Church were attacking the principles thus presented in an exaggerated form. The unfortunate result of the bitter controversy was that Laud, who would have persuaded both sides to more moderate statements, was driven, in defence of Church and King, into association with those who held the extreme view of the Divine right of kings, and this political doctrine became so closely linked with Church principles that in the end the Church had to stand or fall with it. This exaggeration of the reasonable principle of Royal Supremacy was the cause of untold evil to the Church. It led to the fall of King and Primate, and afterwards to the separation of the nonjurors, whilst in Scotland it caused the establishment of Presbyterianism and the ruin of the old Church.

We are now enjoying the benefits of a Constitution perhaps the best in the world, which has come to us largely through the great struggle in which Laud played a most important part. We have been taught by writers of Constitutional History of the past three centuries to regard Laud as an agent of a cruel and arbitrary tyranny, but it is only fair to remember that great principles are established through the conflict of opposing ideas, and that our Constitution is the result of the action and reaction of the forces of radical change and conservative moderation.

According to the law of motion our world, having commenced to roll through space, would, if not acted upon by other forces, continue to move in a straight line through space, but the result of the attraction of other bodies is that it moves in an elliptical orbit. So if the force of radical change were unchecked there would be continuous and rapid advance in one direction, reaching, perhaps, in the end to social chaos. The force of conservative moderation does not in the end prevent progress, but causes it to proceed in a gentle curve at a moderate pace instead of rushing on to chaos. The Pyms and Hampdens of Laud's day were men of noble purpose, determined to make England free, but Laud and Strafford were equally conscientious, determined on their part that England should not be brought into a state of anarchy.

Laud was as great a lover of liberty as any one of his opponents, but he took a different view as to the means to be used. He allowed that reform was needed in Church and State, but he thought that the impulse to reform should not come from below, but from above.

And we must distinguish between Laud the Statesman and Laud the Churchman. It was an unfortunate return to the custom of former days when the Primate of the Church once more became the chief Minister of the State. He was bound to incur the dislike of political reformers, and they were not able to distinguish the statesman from the churchman, so that dislike of the conservative Minister became hatred of the Churchman and of the Church he served. Even as a statesman he was not the incapable tyrant he is often represented. M. Guizot, as a Frenchman, may be considered an impartial observer, and in his *History of the English Revolution*, he remarks of Laud: 'As Commissioner of the Treasury he not only repressed all pilferings and illegitimate expenditure, but applied himself to the thorough understanding of the various branches of the public revenue, and to the finding out by what means its collection could be rendered less onerous to the subject. Vexatious impediments, grave abuses, had been introduced into the administration of the customs duties, for the profit of private interests. Laud listened to the complaints and representations of merchants; employed his leisure in conversing with them, informed himself by degrees as to the general interests of commerce, and freed it from trammels which had materially injured it, without any advantage to the exchequer. . . . To serve, as he fancied, the King and the Church, Laud was capable of oppressing the people, of giving the most iniquitous advice; but where neither King nor Church was in question, he aimed at good, at truth, and upheld them without fear as to himself; without the slightest consideration for other interests.'

Thus much for Laud as a statesman. He was simply a Conservative, using the methods of his time to uphold and preserve a theory of government which had outworn itself. His work as Primate was of precisely an opposite nature. The State needed reform; the Church had just passed through the reform stage, and Laud had to uphold the work which was barely accomplished, and had not yet had time to become stable after the great shaking of the past century. He had to contend against the Papists, who would undo the work, and the Puritans, who would wreck it. And in both Church and State Laud was unfortunate in being associated with men weaker than himself. He was defending, on the one hand, the Divine right of a King who did not possess the moral power to exercise the despotic authority he claimed, and who lost his throne by the weakness and vacillation of his character after causing the ruin of his two chief instruments, Strafford and Laud; on the other hand, Laud had to make efforts for the maintenance of his great ideal of Church government with a staff of very inferior bishops. The strenuous men of the Elizabethan age had passed away, Andrewes being the last of them, and when Laud acted vigorously in demanding what the Prayer Book required, and the bishops showed themselves timid or hostile, it seemed to the Puritans that Laud was trying to force his own personal views upon an unwilling Church.

Laud is commonly accused of acquiescing in the cruelties of the Star Chamber, but he was only one of a number who constituted that Court, and Hook shows clearly that Laud did not by any means take a prominent part in the proceedings of the Court. It is also alleged that Laud extended and abused the power of the Court of High Commission, an accusation which is harder to answer, for undoubtedly in his zeal he made use of sharp words and exhibited the bitter feeling he harboured against those who opposed what to him was most dear and sacred. The methods of the Court were not methods calculated to secure justice, but rather to advance a cause. One abuse was the use of the *ex-officio* oath, by which a person was made to give evidence against himself; and witness and defendants were treated harshly, and brow-beaten, and instead of assuming that the accused was innocent until he was proved guilty, as is the case in courts of law, the proceedings of this court showed that he was assumed to be guilty, and was brought there to show his guilt.

But these were too often the faults of other courts at that time, and recent inquiries have tended to show that the Court of High Commission has been much misrepresented by partisan historians. Mr. Wakeman, speaking of this court, says: 'Religious Puritans hated it, because to them it smacked of Popery and the Inquisition. The careless, the profane, and the pleasure-loving detested it, because it checked the licence which they were accustomed to give themselves, and put restraint on their vice and selfishness. Ordinary men disliked it, because it interfered with their usual habits, and rebuked their indifference.'

And the hatred was intensified by the apparent connection between the coercion of this court and the tyranny of the King. As Mr. Wakeman says further: 'Every act of royal misgovernment weakened the moral appeal of the Church. Every act of ecclesiastical discipline was interpreted by Englishmen in the light of the royal tyranny.'[1] The result was that Parliament took over by violent means the control of the Church, and finally abolished Church, Episcopacy, and Prayer Book. It began by abolishing the canons which Laud had drawn up in 1640. Next year the Court of High Commission was abolished, and with it went the Royal Supremacy. In 1642 the bishops were excluded from the House of Lords, and in 1643 the

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[1] Wakeman, *History of the Church of England*, pp. 370-371.

Parliament adopted the Solemn League and Covenant of the Scots, and established the Assembly of Divines at Westminster. In 1645 Parliament abolished the Book of Common Prayer, and in 1646 the work was completed by the establishment of a Presbyterian Church.

These were the steps by which the new Parliament-made Church gradually superseded the old Catholic Church. It was the work of the Long Parliament, acting on behalf of a strong minority of the English people, a minority found mostly in large centres of population, whilst the great majority found in the country districts remained quiescent, or at most made ineffectual protests.

Parliament was urged on by a vigorous campaign kept up by the Puritans of the towns, especially of London, by means of pamphlets and fervid exhortations, resulting in great petitions to Parliament. Thus the 'Root and Branch' petition was presented in 1640 by 1500 persons, claiming to represent 15,000 citizens of London. This petition denied the divine right of Episcopacy, and prayed for its abolition, along with all the Catholic usages which accompanied it. This was followed by the 'Protestation' in 1641, protesting against 'innovations,' *i.e.* the observance sanctioned by the Prayer Book: it was accepted by the large majority of the House of Commons, and all the Puritan Lords.

It is interesting to note here that Catholic customs observed in worship, such as kneeling at the communion, the eastward position of altar and celebrant, the use of wafer bread, lights, music, and reverent bowing upon entering church, were carefully preserved by the Reformers, and Laud was only enforcing what the Prayer Book allowed, and what the vast majority of English people clung to, but yet the observances were persistently spoken of as 'innovations.' And Protestant agitators in and out of Parliament to-day still use the same term. If these things were innovations in Laud's time, they surely cannot be innovations now; and if they were clung to so tenaciously by the majority of people in Laud's time, people who loved them because they had inherited them from their fathers and grandfathers who had lived in the times of Elizabeth and Henry VIII., they could not be innovations then.

The Commons proceeded in their course by issuing the Grand Remonstrance, passed by a majority of eleven, November 22, 1641. This document pleads for the removal of bishops, points out that true religion is hindered by 'Jesuited Papists,' by bishops and clergy, by councillors and courtiers who have engaged themselves to further the ends of foreign princes: it complains of the cruelty of the Court of High Commission, the preaching of sermons advocating the doctrine of the divine right of kings, and of unfit persons admitted to the ministry of the Church, of the illegal continuance of Convocation, and of the meeting of the Convocations in Synod, and demands a different synod of grave, pious, learned, and judicious divines, to settle the question of religion. The King replied with a proclamation on December 10 of the same year, ordering uniformity of worship and usage according to the established laws.

On the contrary, the discontent of the nation with these proceedings was shown by petitions from various parts of the country pleading for the conservation of the ancient worship. One came, for instance, from Chester, February 27, 1641, another from the Grand Jury at Maidstone, March 28 of the same year, and others from thirteen English and five Welsh counties, but the only result was that the presentation of the petition was treated as a crime, and some of the petitioners were imprisoned. It is clear from these facts, and from the general joy with which the re-establishment of the Church was welcomed in 1660, that the people of England were not hostile to their Church, but that all the changes were brought about by a comparatively small but determined faction, consisting mainly of members of the lower middle class, the very same class which now forms the strength of Dissent.

CHAPTER XIII

FINAL SETTLEMENT

With the restoration of Monarchy came the final restoration of the Church. As the intervening years were regarded as years of unconstitutional usurpation, the Church recommenced its work without any Act of Parliament, and the bishops and clergy took their former places as those who had been illegally deprived, although an Act was passed by the Convention Parliament of 1660, legalising the return of the parish clergy, of whom about one thousand returned to their cures.

Then it was seen that there was a strong reaction in favour of the Church, and that the people were tired of the Parliamentary rule. Dr. Gauden, probably the author of *Eikon Basiliké*, preached a bold sermon at S. Paul's, advocating the calling together of the proper Synod of the Church for the settlement of religion, and asserting that all were weary of the State ruling in matters of religion. King Charles too, in compliance with his promise at Breda, issued a Declaration of Indulgence, but it was rejected by the Commons; and further desire for conciliation and settlement was shown by calling together the Savoy Conference, to review the Prayer Book, and to make such changes as might be found conducive to peace. The Conference was called by royal order, in which were specified the names of the most notable divines on both sides. The Puritans stated objections to the Common Prayer and Church usages, and the objections were answered by the Church divines, the answer being rejected by the Puritans. Several modifications and additions to the Prayer Book were offered, but it was found impossible to satisfy the Puritans by any means short of sacrificing the catholicity of the Church, and so the Conference ended without any reconciliation.

There remained but one alternative, in view of the fundamental hostility between Puritan and Catholic, and in view of the accepted position that there must be a State Church. The Puritans would not be comprehended, and would make no concessions. They must therefore return to the conditions they occupied before, viz. they must choose between Conformity and Separation. The existence of a body of Nonconformists within the Church had been the cause of infinite trouble in the past, and means were now to be taken to secure uniformity within the Church, even at the expense of the separation of Nonconformists. This policy was therefore carried out by a series of Acts passed between 1660 and 1673. The Corporation Act of 1661 required mayors and other magistrates to take the oaths of allegiance and supremacy, to declare that it was not lawful to take up arms against the King, and to receive the Holy Communion according to the rites of the Church of England: the Conventicle Act of 1664 was intended to prevent all assemblies of Dissenters for worship, and permitted houses to be searched where there was a suspicion of such meetings being held: the Five Mile Act of 1665 required all Dissenting ministers to pledge themselves by oath not to attempt any alteration of Church or State—if they refused they were not allowed to live within five miles of a town, under penalty of imprisonment; lastly, the Test Act of 1673 compelled all holders of office, civil, military, and naval, to receive the Holy Communion according to the rites of the Church of England, and to make a declaration against transubstantiation. But the Act which made the definite dividing line between Church and Dissent was the Act of Uniformity, 1662.

The Prayer Book had been revised by a joint-meeting of the two Convocations, and by the authority of the Convocations, confirmed by the royal approval, it was sent up to Parliament and annexed to the Act of Uniformity. Thus our present Prayer Book comes to us with definite Church authority, drawn up by the lawful Church assembly, and accepted, without any claim to alter it, by the State. The preamble to the Act states distinctly that the King gave authority to Convocation to draw up the Book, that he approved it when presented to him, and that he now recommends the Lords and Commons to make it part of the Act.

This Act of Uniformity was much more stringent than the Uniformity Act of Elizabeth. It required that every parson, vicar, or other minister holding a benefice should before S. Bartholomew's Day, 1662, publicly read and declare his assent to the Prayer Book in a form prescribed, as well as a declaration of the unlawfulness of taking up arms against the King, and of the Solemn League and Covenant: that all persons officiating as ministers who had not received episcopal ordination should cease officiating; and it assigned severe penalties for the violation of these and other enactments. This Act may fairly be called the completion of the Reformation, which, as we have seen, was by no means a single act at a definite point of time, but a process of evolution, lasting from the Act forbidding payment of Annates to the Act of Uniformity of which we have spoken, a period of 130 years.

During that period the Church and nation had settled some tremendous problems: (1) The Church had been taken from the foreign jurisdiction of the Bishops of Rome, and placed under the protection of the sovereign of England. (2) It had been settled that the Royal Supremacy rested in the King himself, and was not to be exercised by Parliament or Ministers. (3) It had been recognised that Church and State were two independent powers, in alliance under a common governor, the Sovereign, and each making laws for government within its own sphere by its own legislative body, Convocation and Parliament respectively. (4) It had been seen that there were limits to comprehension: people holding diametrically opposed views could not be comprehended in one body; one party must be recognised, the other rejected.

This last question was, however, still unsettled: the strong feeling engendered by the last struggle did not permit it to be understood that if one party must leave the Church in order to prevent the Church from falling into anarchy, it was very illogical to persecute that party for leaving. We may blame the policy of repression; but again we must be careful to remember the conditions of the times. Dissent was political as well as religious, and the same may be said of the Church. Dissenters remembered the time of triumph during the Commonwealth, and the first generation after the Restoration would certainly be anxious to regain what was lost. On the other hand, the bishops and clergy remembered their sufferings, their martyred King and Primate, and the masses of honest Church folk remembered the suppression of so much that they held dear, the wrecking of churches, the destruction of all that was beautiful, the stern repression of the joyous festivities of 'Merrie England': and so for at least one generation toleration was impracticable. But as the years rolled by and it was seen that the monarchy and the Church were established permanently, whilst at the same time Dissent could not be crushed, it began to be felt that a *modus vivendi* must be sought for. So early as 1663 the King urged Parliament to enable him to exercise dispensing power, but Parliament emphatically refused to 'establish schism by a law'; the time was not ripe. Yet advance was made, for the Act *De Hæretico Comburendo* was abolished: no more Smithfield burnings could take place. The Statute, however, still left power to punish atheism and blasphemy by ecclesiastical censures. Papists, too, were still considered public enemies, and an Act was passed for the more effectual preserving of the King's person and Government, by disabling Papists from sitting in either House of Parliament. James II. made an ineffectual attempt at toleration by issuing the Declaration of Indulgence, 1687. But the purpose of assisting Romanism was so palpable that the Declaration met with fierce resistance, leading to the Trial of the Seven Bishops and the deposition of the King.

When William of Orange came to the throne he issued a Declaration, stating that he would 'endeavour a good agreement between the Church of England and all Protestant Dissenters, and cover and secure all those who would live peaceably under the Government from all persecution upon the account of their religion.' There were many who still longed for Comprehension, and a Bill for Union, or Comprehension, was passed in the Lords but rejected by the Commons. Church feeling was strong in the Commons, and the measure was rejected largely on the ground that Parliament was dealing with a matter which ought to be the business of Convocation.

It was now plain that Comprehension could not be attained, and if attained it would have led to anarchy in the Church. The choice lay between anarchy in the Church, arising from the comprehension of irreconcilable parties, and a full recognition of the fact that Dissent could not be suppressed. It was surely better that the Church should be left to work on in peace, whilst Dissent should be allowed to go its own way and work out its own destiny. Therefore the Act of Toleration was passed in 1689.

It states that its object is to unite the Protestant subjects of their majesties in interest and affection, and goes on to enact that the laws against religious Nonconformists shall not extend to Dissenters who shall take the oaths of allegiance and supremacy and subscribe a certain number of the XXXIX. Articles, excepting, however, Popish recusants, who were left subject to the penalties of the Recusancy Act of 25 Charles II., unless they would take the oaths, which of course they could not do: it abolished the Conventicle Act, Dissenters who had subscribed as required being allowed to meet with doors unlocked: Dissenting ministers were allowed to exercise their office if they subscribed the Articles with the exception of the thirty-fourth, thirty-fifth, thirty-sixth, and part of the twentieth: Anabaptists were allowed in subscribing to except also the Article on Infant Baptism: Dissenting ministers were exempted from serving on juries, and from serving in parochial offices, such as churchwarden or overseer of the poor: Quakers were allowed to substitute declaration for oath, and to make a general profession of religion instead of subscribing the Articles: places of worship were to be certified, and worship to be protected from disturbance by penalties. Thus at length the principle of toleration was established. But it was only the establishment of a principle: Roman Catholics, Unitarians, and Jews were still excluded from its operation, and the civil disabilities of Dissenters remained. It took another century and more to reach the full toleration of all shades of opinion such as we are acquainted with. And in some respects toleration extended to Dissent involved a certain amount of injustice to the Church. Dissenters, though separated from the national Church and giving it no support except such as they were compelled to give in the payment of Church rates, were still able, if householders, to vote in vestry and elect churchwardens, and could still claim the services of the parson, if they wished, for funerals, marriages, etc. As long as Church-rates existed there was some reason for this, and it was a demonstration of the fact that the Church had not cast out Dissenters, but still offered her services to her estranged children whensoever they chose to ask for them.

But this state of things tended to a relaxation of discipline, and often placed the parson in a difficult position, where the law of the Church and that of the State were in conflict. The Toleration Act permitted Dissenters to form separate bodies and to legislate for themselves. But every parson was required by Canon 36 to affirm that the Sovereign is the only supreme governor in things ecclesiastical, and Canon 12 inhibits any sort of ministers and lay people from meeting together to make rules in causes ecclesiastical without the King's authority. The Dissenters do not recognise the King as governor in things ecclesiastical, and they do meet together and make rules in causes ecclesiastical without royal authority, and therefore from a Church point of view are obnoxious to censure. A clergyman finds that Canon 27 forbids him to minister Holy Communion to any that have spoken against His Majesty's authority in things ecclesiastical. But one who was baptized and confirmed, but afterwards became a Dissenter, might choose to be an 'occasional conformist,' and present himself for Communion. If the parson rejects him, and appeal is made to the bishop, the parson is told that the Holy Sacrament cannot be refused, because the Toleration Act has given liberty to dissent. Again, in the Burial Service, the Church forbids the use of it for persons who have been excommunicated for absence from Holy Communion. The Dissenter is self-excommunicated, besides being excommunicated *ipso facto* by the canons, yet the parson must bury him if required. The Churchman has no right, even if he wished for it, to take part in the election of Dissenting deacons or other officers, but the Dissenter may take part in the election of the churchwardens, and may even be a churchwarden. The series of Toleration Acts, of which this of William and Mary was the first, have given liberty to the Dissenters, but left them most of the rights of members of the Church, and have given no corresponding liberty to the Church to exercise its discipline over unworthy and schismatic separatists.

The Church lost power and influence again by the gradual neglect of Convocation. This process began with the action of 1664, by which the clergy lost the power of taxing themselves in Convocation. The Sovereign had hitherto been obliged to summon Convocation for the purpose of obtaining subsidies, even if there were no other reason, and when once assembled Convocation might ask for grievances to be remedied before granting subsidies; the Crown might also be moved to allow the consideration of Church affairs in hopes of gaining a liberal subsidy in return. But when the power of granting subsidies was lost the Crown took little trouble in summoning Convocation. There was no Convocation summoned after 1680 in the reign of Charles II., and no business was done in Convocation during that of James II. The next meeting was in 1689, and it proceeded to examine changes in the Liturgy proposed by a royal commission which had been appointed, but the proposals were rejected, the prolocutor summing up with the famous sentence, *Nolumus leges Angliæ mutari.*

But perhaps the greatest blow to the Church at this time was the defection of the nonjurors, *i.e.* those who, holding the doctrine of 'passive obedience,' the logical conclusion from that of the Divine right of kings, refused to swear allegiance to William and Mary, and therefore lost their preferment. The men who took this action were the best men in the Church, and those whom the Church could ill spare, and it must ever be a subject of profound regret, that for the sake of a doctrine which forms no part of the Catholic faith, such an unfortunate schism should have been caused. The immediate result was that the Church was left in the hands of time-serving latitudinarians, who did not value as they should the Catholic position of the Church, and who were willing often to make sacrifice of sacred principles for the sake of the impossible ideal of a comprehension which William and his supporters had ever in view.

The Act of Toleration marks the end of a period in our Church history, because from that time the Church stood in a new position. It was no longer the one recognised Church of the land, but an ancient national Church holding a position of influence, under the patronage of the State, bound by the laws which were a necessary condition of its alliance with the State, yet confronted with a number of hostile bodies ever seeking to gain power for themselves and to diminish the power of the Church.

During the period of reformation the Church had struggled to establish herself as independent and national against the Papal claims. This being done, she had to face the enemies of her own household, the Puritan Nonconformists, not yet Separatists from the Church but Nonconformists within the Church, contending that the Reformation had not gone far enough. The early Puritan Nonconformists were strongly opposed to separation, wishing not to split but to reconstruct. But time had shown that two utterly opposing theories could not exist together in one Church, and separation became inevitable. So the Nonconformists at last became Separatists, and ever since the struggle of the Church has been to maintain her position and principles against the old Papal foe and the newer Puritan foe, with a Parliament no longer an active defender but becoming ever more indifferent and often hostile, and disposed to assert its power at the expense of the Royal Supremacy which has been the safeguard of the Church against her foes.

CHAPTER XIV

LATITUDINARIAN TROUBLES

During the reign of William III. there was presented to the country the spectacle of a King who was supreme governor of the Church but yet hostile to it, a House of Lords wherein the bishops were mostly Whigs put into office for political services, a House of Commons with an overwhelming Whig majority, not disposed to bring back the conditions of the Commonwealth, but yet looking upon the Church as a dangerous power, to be kept in check by all possible means, and a body of parochial clergy, mostly High Church and Tory, utterly alienated from their bishops.

Under these conditions we need not wonder that there grew up a disposition on the part of Parliament to supersede Convocation and to take over the management of the Church, whilst William was not at all disposed to check Parliament as Elizabeth had done, because he reigned by the will of Parliament. The result of all this was a Parliamentary attitude of repression as regarded the Church, and an attitude on the part of the Church of calm resistance in hopes of better days to come. The evident tendency of Parliament to assume the power of legislating for the Church independently of Convocation led to long disputes as to the powers of Convocation, unfortunately accentuated by the dissensions between the two Houses of the Southern Convocation. From 1689 to 1700 Convocation was not allowed to act, being constantly prorogued, and during the interval many books and pamphlets were written on the subject. It was generally recognised that the royal writ was necessary to enable Convocation to sit, and that a royal licence was necessary before Convocation could enact canons, but there were two opposite opinions about the right of Convocation to discuss ecclesiastical matters without the permission of the Crown. There appeared in 1697 a book, entitled *A Letter to a Convocation Man*, in which the writer affirmed that Convocation had a right to meet when Parliament met, and to transact business without the royal licence. In fact, he claimed for Convocation the right to discuss and settle Church affairs in the same way as Parliament treated State affairs, and in the same way as the General Assembly dealt with Church affairs in Scotland.

The work was answered by Dr. Wake, afterwards Archbishop of Canterbury, in a book entitled *The Authority of Christian Princes over their Ecclesiastical Synods.* Wake goes back very early in Christian history, pointing out that general councils were presided over by Roman emperors, and lesser councils were afterwards presided over by Gothic, Burgundian, and German princes. Even if the emperor were a heretic, yet bishops submitted, and did not call a council without his leave. Princes even prescribed the subjects of debate: at the Sixth Council of Toledo the prince drew up constitutions, and at the Third a king caused his subjects to make a change of faith, from Arian to Catholic. Coming to English history Wake traces Convocation to its origin, showing how it had always been summoned by the King, having been at first a part of the Parliament called to vote money. Step by step he comes down to the Act of Submission, under Henry VIII., and he contends that this Act restored to the King an ancient right which had gradually been usurped by the Papacy, by means of which usurpation Legatine Councils had superseded the national Convocations acting under licence from the King.

Convocation had ceased to be a part of Parliament, although by long custom summoned at the same time: for Convocation might act when Parliament was not sitting, and Parliament might sit and act when Convocation did neither. Moreover, kings had often superseded Convocation by the appointment of commissions of bishops and learned divines, which drew up matter for the King's inspection and approval, which might then be considered and made into law by Parliament, as had been the case with the First Prayer Book. There were five ways in which ecclesiastical affairs had been transacted since the time of the Reformation: (1) The King, by his own authority, had set forth orders for the clergy of the realm; such was the letter of William III. to the Bishop of London, 1689, to be communicated to the two provinces; such, also, were his Injunctions concerning the preaching of the doctrine of the Trinity. (2) Ecclesiastical matters had been decided by King and Parliament without any ecclesiastical deliberation except by the archbishops and bishops: such were the Conventicle Act, the Test Act, and the Toleration Act. (3) The King might proceed by select committees, or commissions, as mentioned above. (4) Matters might be referred to the two Convocations, the decision to be ratified by royal assent: on this authority rest the Book of Canons of 1603, and that of 1640. (5) The King might appoint a Select Committee to prepare matter for the deliberation of Convocation, after which it might be reviewed in the Privy Council and passed by Parliament; thus were established the Ordinals and the Thirty-nine Articles.

Thus Wake concludes that Convocation has not an inherent right to legislate for the Church, and can only do so by royal permission, its acts being subject, if the King wills, to the revision of Parliament. This was the extreme Erastian view of the relation between Church and State, considering the Church to be merely an ecclesiastical department of the State.

Wake had ignored the fact that although princes presided over councils those councils were purely spiritual, and to prove his point he should have shown that Church matters were regulated by Roman Senates or by the State Councils of mediæval kingdoms, which he does not attempt to do. And in the cases he adduces where Parliament had legislated in Church matters, as the Conventicle Act, the Test Act, and the Toleration Act, these Acts dealt with bodies separated from the Church, or imposed conditions on the holding of public offices to ensure that all State officials should belong to the national Church. The Church had not, by any act, conceded to the State the right to legislate in matters of doctrine and discipline, but only in such matters as affected the compact or alliance by touching life on both the civil and the religious side. The State had attempted the task between 1645 and 1660, with disastrous effects.

Many answers to Wake appeared, but the most powerful was that of Atterbury: *The Rights, Powers, and Privileges of an English Convocation, stated and vindicated, in answer to a late book of Dr. Wake's, etc.* Atterbury enforces the arguments used in the *Letter to a Convocation Man*, showing the distinction between the ecclesiastical summons to Convocation and the summons by means of the *præmunientes* clause; the King issued the writ containing this latter clause to each bishop, commanding him to attend in Parliament and to bring with him proctors to represent the clergy, the bishops then summoning the proctors: this was a summons to the clergy, through the bishops, as one of the estates of the realm. The ecclesiastical summons to the Provincial Synod or Convocation was transmitted by the Crown to the archbishop, who then issued his mandate for the assembly of Convocation. The clergy had long ceased to sit in Parliament by virtue of the *præmunientes* clause, and now sat as a separate provincial assembly, called together by the spiritual authority of the archbishop under royal command. Therefore Atterbury argued that the Convocation, as a spiritual body, apart from Parliament, was independent of Parliament.

There were many other contributions to the controversy—notably those of Kennet, Hody, and Burnet, and Dr. Wake's elaborate reply to Atterbury, entitled *The State of the Church and Clergy of England*—and the whole history of the power of Convocation was thoroughly sifted, the result being that the powers of Convocation, which had been left in an indefinite state by the Reformation, were brought to light. It is commonly assumed that those powers are shadowy, and Convocation is often spoken of as only a respectable debating society. But it is much more: it has power to correct and depose offenders, to examine and censure heretical works, and, with the royal licence, to make and publish canons, reform the Liturgy, and to transact all business of an ecclesiastical character.

After eleven years' silence the Convocations were again summoned in 1701, when there ensued a series of disputes between the two Houses, lasting until 1717, the fatal year of the complete suspension of Convocation. The real cause of the disputes was the opposite political character of bishops and clergy. The bishops were nearly all Whigs, until the policy of Queen Anne changed them somewhat by opportunities which arose for new appointments. And being Whigs they were Erastian and time-serving courtiers, more anxious to please the Court than to advance the interests of the Church. The Lower House denied the right of the archbishop to prorogue it, asserting that he had no more right to do so than had the Lord Chancellor to adjourn the House of Commons. Disputes arose as to the right of the Lower House to sit when the Upper House was prorogued, and the two Houses were divided on the point of the advisability of censuring books by Toland and Burnet, and later, of Whiston. The work that Convocation did during this period consisted in the drawing up of the 'State services,' and Forms for Reconciliation of Converts from Rome and for Consecration of Churches, with some other matters of minor importance. At length came the consideration of the heretical works of Hoadley, Bishop of Bangor, which were unanimously censured by the Lower House, upon which the whole

Convocation was prorogued by the Crown, before the Upper House had an opportunity of considering the matter. This was in 1717: there were unimportant meetings in 1728 and 1741, but from 1717 to 1850 no licence for business was granted to Convocation, and during that period the Church was without a legislative court.

The long disputes which led to this suspension form a sad chapter in Church history, and the chapter is a preface to a still sadder one which followed when the Church was almost killed by neglect of the State Government and by want of power to maintain her discipline and give expression to her inherent energy. Archdeacon Perry, in the *Student's English Church History*, remarks that: 'The Church, denied the power of expressing her wants and grievances, and of that assertion of herself in her corporate capacity which the constitution had provided for her, was assaulted at their will by unscrupulous ministers of the Crown, and feebly defended by latitudinarian bishops in an uncongenial assembly. Her ministers might now give utterance to the most heretical and even blasphemous teaching without fear of censure, and there remained no agency for altering and adjusting her system to meet the varying requirements and opportunities of the times.'

We cannot but blame the nonjurors, good and conscientious men as they were, for the course of events which ended in the suppression of Convocation. Had they been able to see that the Church has nothing to do with methods of State rule, and is bound to 'be subject to the powers that be,' whatever may be the form of government, and that this, moreover, may lawfully be altered by the will of the people, these good men might have been the strength of the Church at a critical time. If the Church and Crown had been friendly as in Scotland, they might have secured to a National Church Council, made up of the two Provincial Synods united, the same undisputed power as was secured for the General Assembly in Scotland. But the unfortunate stand of the nonjurors for the 'Right Divine of kings to govern wrong' left the Church at the mercy of the Crown and the latitudinarian bishops appointed by the Crown, and led to the substitution of Parliamentary for Royal Supremacy over the Church.

For this was what came to pass. No Act was ever passed legally transferring the powers of Convocation to Parliament, but as Mr. Wakeman says: 'When the Convocations were suppressed, the Church had to turn to Parliament for everything, and she could only approach Parliament through the bishops, who were out of sympathy with their clergy and under deep obligations to the Government.'[1] Thus gradually Parliament usurped the functions of Convocation. And just at this time Parliament ceased to be a body capable of governing the Church, for by the Act of Union between England and Scotland, in 1707, Scotch Presbyterians became members of the Parliament of Great Britain. Hitherto members of the English Parliament had all been members of the Church of England, and might be said to be members of a House of Laymen when discussing Church affairs. But now a great injustice was done, for the Establishment in Scotland had its own Assembly with full powers of legislation, whilst the Church had no such body. Scotch Presbyterians had no power in Parliament to interfere in the spiritual affairs of their own Church, but full power to discuss and vote important laws affecting a Church to which they did not belong. And this was not the end, for the progress of toleration in England has since admitted Dissenters, Jews, Romanists, and even Atheists and Hindus, so that Parliament has now neither constitutional nor moral right to the functions it has usurped.

During the reigns of George I., George II., and down to about the year 1800, in the reign of George III., there is not much to be said about the relations between Church and Parliament, for the Church gradually sank into a quiescent or somnolent condition, and Parliament treated her with the contempt that kills. The great agent in this Parliamentary policy was Walpole, who never forgot the events connected with the trial of Sacheverell. Coxe, the biographer of Walpole, says: 'It infused into him an aversion and horror of any interposition in the affairs of the Church, and led him to assume occasionally a line of conduct which appeared to militate against those principles of toleration to which he was naturally inclined.' So he applied to Church affairs his favourite maxim, *Quieta non movere.* He not only stopped opposition *to* the Church, but hindered progress *in* the Church. He would not favour Berkeley's scheme of a University for Bermuda, and in spite of earnest representations of their necessity, no clergy or schools for the colonies could be obtained from the Government.

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[1] *History of the Church of England*, p. 423.

The period of Walpole was succeeded by that of Pitt, during which England was engaged in a series of wars, in India, Canada, the American Colonies, and finally with France, ending with the battle of Waterloo. Parliament had little leisure in these stormy times to deal with the Church, and so the Church drifted along, disturbed only by the Evangelical revival and the Methodist movement. No great questions of Church polity or discipline were mooted, and what action Parliament took anent the Church provoked no resentment, because the Church was not sufficiently alive to feel the pressure.

The next notable example of the tendency of Parliament to abolish all remaining rights and privileges of the clergy was in 1796, when, in consequence of trouble caused by Horne Tooke, an Act was passed excluding men in Holy Orders from sitting in the House of Commons. Perhaps it is better that the clergy should be attending to their parish work, and that the work of Parliament should be left to laymen; but if the Church is to be legislated for by Parliament in any matters, surely the clergy have a right to representatives to speak for them. The lawyer, the medical man, the officers of the army and navy may all be represented, but not the clergy. Of course it may be said that the bishops sit in the House of Lords; but they sit there as barons, and not as representing the clergy, nor can they help by their influence when Church questions are discussed in the Commons. The clergy became the only body of men subject to taxation without representation.

Meanwhile advance was being made in the toleration of Dissenters. Several futile attempts were made to abolish the Test and Corporation Acts, but at length in 1728 Parliament began the practice of passing annual Acts of Indemnity, relieving holders of office from the penalties for not receiving Holy Communion, and in 1779 Protestant Dissenting ministers were no longer required to subscribe to such of the Articles as were not distinctly Anglican, as had been required by the Act of Toleration, but only to declare their belief of the Old and New Testaments. The remaining disabilities of the Conventicle Act were removed in 1812, and in 1813 relief was granted to Socinian congregations. Finally in 1828 the Test and Corporation Acts were repealed.

The monopoly of celebrating marriage hitherto enjoyed by the Church was taken away by the establishment of civil marriage, and in 1836 permission was given for Dissenting ministers to celebrate marriages in the presence of a registrar.[1]

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[1] By an Act of Parliament passed in 1898 the presence of a registrar at a marriage solemnised in a Nonconformist place of worship, other than those of the Jews or the Society of Friends, is no longer necessary, if certain conditions specified in the Act are complied with.

Dissenting chapels were placed upon an equal footing with churches in 1834, by being exempted from taxation so long as they were used only for the purpose of religious worship.

Dissenting disabilities being removed, there still remained those of Romanists and Jews. Those of the Romanists were removed by the Emancipation Act of 1829, and Romanists were placed on a footing of political equality with members of the old Church, though they were still debarred from having a hierarchy with local titles, and were governed by 'Vicars apostolic,' *i.e.* bishops with foreign titles appointed by the Pope as his delegates.

The gift of political and religious freedom to the Jews came more slowly, and it was forced by the election of Baron Rothschild as member for the City of London in 1847. A Jewish Relief Bill was introduced into Parliament, but rejected by the Lords. Baron Rothschild was re-elected, and elected once again in 1852, but again the Bill was rejected by the Lords. At length, in 1857, it was passed, and thus full religious liberty was at last accorded to men of every creed.

But there still remained the men of no creed, the Atheists, and these, too, secured political rights by the action of Mr. Bradlaugh, in 1888.

We fully grant the righteousness of this full extension of toleration to all, but it has left us with the anomaly of a Church which has to appeal for amendment of its laws and redress of its grievances to a Parliament of which a majority may be men of hostile creeds or of no creed at all, and the possibility of a Prime Minister who may be of any creed or of no creed, and may yet be the adviser of the Sovereign in the selection of bishops. So far the contingency of a Prime Minister having no creed has not happened, but the possibility of it shows what the Church has lost by acquiescing in the gradual substitution of Parliamentary control for the personal supremacy of the Sovereign.

CHAPTER XV

GROWTH OF ERASTIAN IDEAS[1]

So far Parliament had developed the principle first enunciated in the Act of Toleration by removing all disabilities affecting those outside the Church. The Church was no longer the one recognised body, but only one amongst many, the members of which all enjoyed the same political rights. But in removing these disabilities consideration has been given to one side only. The compact between Church and State has for its conditions a certain surrender of liberty on the part of the Church in return for compensating advantages conferred by the State. The advantages given to the Church have nearly all disappeared, whilst the liberty of action is still restrained, notably in two important particulars, the right to regulate its own worship and discipline, and the right of enforcing discipline upon members by proper spiritual Courts.

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[1] See Appendix E, Note 1, for explanation of the term 'Erastian.'

We have shown how by the suspension of the powers of the Synods the first right has been curtailed. We will now show how hardly the Church has been treated in the second particular. It will be generally agreed that no society can exist without rules of membership, so that all members of the society may know the conditions upon which they are admitted and retained as members. Without such rules there can be no orderly assemblies, no regulating of disputes amongst members. The Church therefore, as a world-wide society, must perforce have her rules. Her purpose is to bind men together in a great unity for the promotion of righteousness, or, in other words, to establish the Kingdom of God on earth, and to lead men to observe the laws of the kingdom, laws by which righteousness, of the individual and of the whole body, may be established.

The Society of the Baptized, or the Kingdom of God, then, has two kinds of rules or laws—those affecting the individual conscience, and those affecting the relation between the members or citizens. The laws affecting the individual are enforced in the Court of Conscience alone. It is a matter between God and the soul. As a member of the

Church he is offered the help of the 'Ministry of Reconciliation.' He may confess his sin, as the Prayer Book advises, and receive the benefits of absolution, spiritual counsel, and advice, together with such penance as may help in the work of self-discipline. All this is purely voluntary; it cannot, and ought not to be enforced. But as soon as there is a question involving the relation of one person to another, or of one person to the whole body, the matter is no longer in the discretion of the individual, but needs the adjudication of some recognised authority, according to established law.

Church laws are found in their elementary state in Holy Scripture, but only as principles laid down for future application. As life becomes more complex with the advance of time and the development of communities under varying conditions, new problems arise, involving the special application of Gospel principles to various times and places as the differing conditions require. So there has grown up a body of Church law, or canon law, both universal and local, to be found in various decisions of Councils and Synods, and in decrees of Popes and Bishops. This body of law became at length a vast literature, and was reduced to system from time to time by men who made a special study of it. Blackstone gives the following account of canon law:[1] 'The canon law is a body of Roman ecclesiastical law, relative to such matters as that Church either has, or pretends to have, the proper jurisdiction over. This is compiled from the opinions of the ancient Latin fathers, the decrees of general councils, and the decretals and bulls of the holy see; all which lay in the same disorder as the Roman civil law, till about the year 1151, one Gratian, an Italian monk, in imitation of Justinian's Pandects, reduced the ecclesiastical constitutions also into some method, in three books, which he entitled *Concordia Discordantium Canonum*, but which are generally known by the name of *Decretum Gratiani*. These reached as low as the time of Pope Alexander III. (A.D. 1159). The subsequent Papal decrees to the pontificate of Gregory IX. were published in much the same method, under the auspices of that Pope, about the year 1230, in five books, entitled *Decretalia Gregorii Noni*. A sixth book was added by Boniface VIII. about the year 1298, which is called *Sextus Decretalium*. The Clementine *Constitutions*, or decrees of Clement V., were in like manner authenticated in 1317 by his successor, John XXII., who also published twenty constitutions of his own, called the *Extravagantes Joannis*, all which in some measure answer to the

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[1] Stephen's *Commentaries*, 1880, p. 42.

"novels" of the civil law. To these have since been added some decrees of later popes, in five books, called *Extravagantes Communes*; and all these together, Gratian's "Decrees," Gregory's "Decretals," the "Sixth Decretal," the Clementine "Constitutions," and the "Extravagants" of John and his successors, form the "Corpus Juris Canonici," or body of the Roman canon law. Besides these pontifical collections, which, during the times of Popery, were received as authentic in this island, as well as in other parts of Christendom, there is also a kind of national canon law, composed of *legatine* and *provincial* constitutions, and adapted only to the exigencies of our own Church and kingdom.'

This foreign canon law was never received in its entirety in this kingdom, but only such parts of it as applied to our own needs. Our national canon law is the result of constitutions made from time to time in our Convocations. These were collected by Lyndwood, Bishop of S. Davids, in the reign of Henry v., and recognised by the Convocations of Canterbury and York. In the Act of the Submission of the Clergy, 1532, it was provided that all canons, not contrary to the laws of the realm and the King's prerogative, should remain in force until the commission of thirty-two, which was to be appointed, should revise the canon law. Acts were passed in 1534, 1536, and 1544, empowering the King to appoint this commission, but it was not done. A scheme called the *Reformatio Legum Ecclesiasticarum* was drawn up by Cranmer and his associates, but never became law. Further proposals to the same effect were made in the reign of Edward VI., a commission of thirty-two was actually appointed, and proceeded to complete the *Reformatio Legum*; but it remained in manuscript until 1571, when it was printed, but never received any lawful sanction. The result of all this was that the canon law which existed when the Act of Submission was passed became part of the statute law, excepting so far as it conflicted with civil laws and the royal prerogative, and so it remains to this day, with the addition of subsequent canons. The subsequent canons were those of 1603, summing up the laws made since the issue of Lyndwood's book, those of 1640, and several useful canons made since the revival of Convocation.

Two opposite effects resulted from the acknowledgment of the canons by the Act of Submission: firstly, it is an advantage for the Church to have her own laws recognised by the civil power; but secondly, the fact of the canon law becoming part of the civil law has produced the impression that

Parliament may legislate for the Church in spiritual matters, and has helped in leading Parliament to the usurpation of spiritual power, of which we have spoken above.

The Church of England has, then, a body of laws of her own, independently of those which have been made by Parliament in recent times. The question now arises, what spiritual courts she possesses for the administration of these laws, and whether she ought not to have the right to administer the laws by her own spiritual courts. Going back to Holy Scripture for our principles we find our Lord committing to the Apostles the power of binding and loosing: we find a council assembled at Jerusalem to settle points of difference which had arisen between Jews and Gentiles: we find S. Paul administering the law at Corinth (see the Second Epistle to the Corinthians): and in 1 Cor. vi. S. Paul forbids members of the Church having disputes to go to the civil courts, and directs them to submit to the ruling of the Church. The scriptural rule then is that spiritual causes should be dealt with by spiritual persons, in spiritual courts. And this was always the claim of the Church, from the earliest days of her history.

In England during the Middle Ages this was freely acknowledged by Church and State. The difficulty between Church and State arose when, in consequence of the popularity of Church courts, and the milder nature of their penalties, much business which was really civil was attracted into the Church courts, notably business arising out of wills, covenants, and marriages. Since the passing of the Act of Submission this civil business has been taken away, but only by gradual stages, some of the quasi-ecclesiastical courts lasting on into the nineteenth century. The Prerogative Court, existing for business connected with wills and administrations, was merged into the Court of Probate in 1858, whilst the Court of Faculties, existing for the granting of certain dispensations, had its business reduced practically to the granting of special licences for marriage without banns.

The purely spiritual courts coming down to us from the Plantagenet period are the Archdeacon's Court, the Bishop's Court, from which there is an appeal, in the Province of Canterbury, to the Court of Arches, and in that of York to the Chancery. In the Middle Ages appeals were carried from these Provincial Courts to the Pope, and constant efforts were made by legislation, as we have seen, to check these appeals. At length, by the Act 25 Henry VIII. c. 19, Appeals, 'for lack of justice' in the Provincial Courts, were ordered henceforth to be made to the Crown. On such an appeal a commission would be appointed under the Great Seal, to try each case *ad hoc*. This was the *Court of Delegates*, and remained the Supreme Court of Appeal until 1832. It was possible for it to be constituted and to act in such a way as to be satisfactory to the Church, because the King appointed the delegates, not in his capacity as Head of the State, but in that of Supreme Governor of the Church and Defender of the Faith. There must be a last appeal to some supreme authority, and as it was contrary to the principle of the English Church to allow appeals to the Pope, the King, acting with a properly constituted court, was the only possible authority remaining. The King, moreover, by virtue of the solemn anointing in the coronation service, was considered as a spiritual person, for the purpose of jurisdiction only. He was 'God's Anointed One.'[1]

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[1] *Cf.* Liddon, *Church Troubles*, p. xxiv: 'It must be admitted that the old Court of Delegates was not the best possible expression of the principle of the preamble of 24 Henry VIII., that spiritual causes should be judged by the spirituality. But so long as that court existed, the Crown was always at liberty to keep faith with the Church by acting on the rule in question. For the purpose of hearing ecclesiastical causes, the Court of Delegates *might* always be composed of ecclesiastics. True, it also might not. Still, when rejecting the usurped jurisdiction of Rome, the Church of England had trusted herself to the faith and piety of English Sovereigns; and whatever from time to time may have happened

But in 1832 this jurisdiction was transferred to the Privy Council by the Act 2 and 3 William IV. c. 92, and by a further Act, 3 and 4 William IV. c. 42, the Judicial Committee of the Privy Council was made the supreme court of appeal. Thus the prerogative of the Sovereign, regarded as the governor and protector of the Church, was transferred to a purely civil court, and this without any consent of the Church, but by the mere will of Parliament. When two parties make an alliance on certain conditions it is but bare justice that when the conditions are altered it shall be with the consent of both parties. But by this action one party to the alliance between Church and State changed the condition without any pretence of consulting the other. Parliament proceeded in the course of usurpation by passing the Church Discipline Act in 1840. By this Act causes were still allowed to begin in the proper Courts of the Bishops, but the appeal was to the Judicial Committee. Several clergy who were prosecuted rightly refused to recognise that committee, and its decisions were so evidently decisions of policy and not based upon proper and scientific

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in practice, there was nothing to prevent a loyal recognition of the principle affirmed in the Reformation Settlement until the year 1832.'

liturgical knowledge, that ecclesiastical procedure was brought into contempt.

It was evident that these State-made courts were unsatisfactory, and as a remedy the Public Worship Regulation Act was passed in 1874. This Act made prosecution much more easy, but reduced still further the spiritual power of the bishop, allowing him only a veto upon the proceedings. It appointed a judge, the first and only judge under the Act being Lord Penzance. It was expected that he would be made Dean of the Arches, and so qualify as an ecclesiastical judge, but he refused to qualify, and so both court and judge were entirely secular. 'The nett result,' says Mr. Frere, 'of these Acts of Parliament has been to reduce the system of Ecclesiastical Courts to chaos, and to paralyse Church discipline. No other result could well have been expected, seeing that the whole was done in defiance of the true principles of the relation of Church and State.'[1]

At length there came the beginning of a return to the older way, when the Bishop of Lincoln was tried by the Archbishop of Canterbury in his own court in 1890, the Privy Council having decided in favour of the competence of the archbishop to hear the case. The archbishop ignored all decisions of the Judicial Committee, and decided the case on the basis of Church law. There was general satisfaction both amongst clergy and laity as to the result, as it was felt to be a sign of the growing desire that the Church should be left to decide cases affecting her discipline in her own courts.

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[1] *The Relations of Church and State in regard to Ecclesiastical Discipline*, p. 4.

A further step in the return to the old paths was made by the Clergy Discipline Act of 1892, which makes it more easy for bishops to deal with criminous clergy.

The Archbishop of Canterbury on this occasion procured letters of business from the Crown, and the Convocation passed a canon affirming the principle of the Bill before Parliament. So that the legislative body of the Church once more assumed its old position of initiating legislation to be accepted by the Parliament of the State, and the old relationship between Church and State was again asserted.

But the Erastian spirit is still strong, and attempts are constantly being made to legislate in Parliament for the Church, without asking the consent of the Church, in spite of the failure of all such legislation, from that of the Long Parliament onwards. We may fairly ask why such bodies as the Wesleyan Society should manage their own affairs by means of their own Conference, whilst the Church is to accept legislation in spiritual matters from a Parliament of which the members have no longer any necessary connection with the Church.

And when we turn to Scotland we see how carefully the Scotch Establishment has guarded its rights. It is, within its own sphere, entirely free from the interference of the State. The Royal Commissioner formally opens the General Assembly on behalf of the Crown, after which the Moderator opens it on behalf of the Spiritualty. From a decision of the Ecclesiastical Court in Scotland there is no appeal to the State Court. This has been decisively declared by the judges of Scotch Courts: for instance, in a case published in the *Times*, the decision being delivered June 29, 1870: A minister of the Established Church of Scotland was suspended by the Presbytery of Dunkeld for six months, during which time he was compelled to pay £55 to his assistant for discharging the duties of the cure. The General Assembly, composed exclusively of ministers and elders, was not satisfied with the decision of the Presbytery, and in May 1870 ordered the Presbytery to proceed to a fresh trial on the same charge. Upon this the minister prayed the civil courts to suspend the judgment of the Assembly, on the ground that the Assembly had exceeded its jurisdiction. The Court of Session, however, held that the proceeding complained of being within the exclusive jurisdiction of the Church courts, it had no power to review them. The following were the decisions of the judges:—

'It appears to the Lord Ordinary that the whole matter was a question of ecclesiastical law and procedure, of which it was the exclusive province of the General Assembly to judge, and with which the Court of Session had no right to interfere. If the Court were to do so it would simply be reviewing the proceedings of the Ecclesiastical Court.' The Lord Justice-Clerk: 'Within their spiritual province the Church courts are as supreme as we are within the civil, and as this is a matter relating to the civil discipline of the Church, and solely within the cognisance of the Church courts, I think we have no power to interfere.' It is quite clear, then, that in Scotland the Established Kirk governs itself and judges all causes coming within its spiritual sphere, whilst in England, in consequence of departure from the old constitutional relationship between Church and State, our whole system is in a state of chaos.

At the same time we must remember that this applies only to discipline. The Kirk has no power to modify the Confession, and it seems from the recent judgment in the Free Church case that the 'Free' Churches are equally bound by their creeds.[1]

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[1] The judgment referred to was the result of an appeal to the House of Lords from the Scotch Courts. Two Presbyterian bodies, the 'Free Church' and the 'United Presbyterian Church,' had agreed to unite, the union involving some modification of the doctrines held by the 'Free Church.' Twenty-six ministers of this Church refused to recognise the union, and claimed to be the original Free Church. The judges of the final court held that the property of religious bodies could only be retained on condition of adherence to the Confession as stated in the trust-deeds, and the twenty-six dissentient ministers, as holding to the original Confession, were adjudged to be the 'Free Church,' and therefore owners of its property, amounting to some millions of pounds.

CHAPTER XVI

THE NEXT STEP

We have now traced the relationship between Church and State through all its stages: the first stage, when Church and State were one body under two aspects, and bishops and State officials sat side by side judging civil and ecclesiastical causes, but the bishops met in national councils to settle questions of doctrine and order; the second stage, in which the Church became dominated by Papal power, which conflicted often with the civil power, and against which Statutes such as *Præmunire* were made for the defence of the royal prerogative; the third stage, when the Royal Supremacy was finally asserted, though temporarily suspended by the Long Parliament; and the last stage, in which the Royal Supremacy has by slow degrees given way to a Parliamentary Supremacy, not allowed but assumed, in consequence of which the Church is now in a state of chaos.

Let us inquire now as to the results of this state of chaos, as exhibited in the practical working of the Church. The first and most serious result is the want of definiteness as to the meaning and responsibilities of membership in the Church. The true member is one who has been baptized and confirmed, and is a regular communicant. But confusion has arisen from the fact that in granting toleration to Dissenters, whilst at the same time they were required for a long time to pay Church-rates, and had therefore a right to vote in vestry, there was produced a popular idea that every ratepayer was a member of the Church, even if he were also a Dissenter. Even now, when no Church-rates are asked for, we have still left to the householder the right to vote at the Easter vestry in the election of churchwardens. The Church of the first ages would accept no offerings from those who were not members, and this was proper and dignified, for the non-members, if once asked to contribute, might fairly ask to share in the distribution of alms, of which they gave a part. The Church wished to keep out all but purely Christian influence in its disciplinary work, and therefore logically refused to accept gifts from those to whom it would not intrust power. Following this logical precedent then, when toleration was given to Dissenters, they should have been told that as they chose to separate themselves from the Church they could no longer claim any right in the government of the Church, and at the same time that the Church did not ask their help. A door must be either open or shut, as our French neighbours say, and a man cannot logically be a member of a sect and of the Church at the same time.

It may be said that Dissenters had a share in the Church in so far as they paid tithes, but tithes are not rates or taxes, but the rent of land which has been assigned to the Church in former days. If tithes were not payable to the Church they would only be transferred, not abolished, as Church-rates were. Indeed tithes have been to a large extent transferred, and are in many cases payable to landowners and others. The payment of tithes gives the payer no voice in Church management, any more than would the payment of rent for a house bequeathed to the Church and rented by a Dissenter.

But the payment of Church-rates, and the blending of civil and ecclesiastical powers in the parish vestry for so long, with the consequent right conceded to all ratepayers to vote, has resulted in the confused idea that the terms ratepayer and Church member are convertible, and that every

Englishman, if he chooses to claim the position, is a member of the 'Established' Church. Therefore Dissenters, Romanists, and Atheists claim a share in the glorious heritage of our parish churches and cathedrals. But again we would point out that those buildings were built by members of the Church for the Church. True, when the ancient churches were built, the distinction between Church and State was not so marked, for the idea of Separation had not been heard of. But State and Church were not confused in those days. In charters and documents such as Magna Charta, the *Ecclesia Anglicana* is clearly separate in idea from the State of England. The men who built the churches would have fought furiously against the idea that persons wilfully separated from the Church should be regarded as having any rights in the church buildings. By leaving the Church and building meeting-houses in opposition such persons have forfeited all claim henceforth to the churches they had willingly given up.

But still the idea of ratepayer membership lives on, and is responsible for one of the great difficulties of our times. Every parish priest knows full well that he has to do with two clearly divided classes of people in the congregation of his parish church. There are the *bonâ fide* members, the devout communicants, who do the real spiritual work of the Church, and who firmly believe in the Church as a living part of the great Catholic Church of the whole world. They work for her, they make sacrifices for her, ay, many would die for her as their fathers did, if necessary. But there is another class—the Erastian Church-and-State people—who rarely or never communicate, who clamour for High Matins but rebel at High Celebrations of the Eucharist, who believe in appropriated seats with comfortable cushions and hassocks all their own, who maintain a jealous watch against all appearance of loyalty to the Prayer Book, and demand compliance with their Philistine ideal of a 'respectable, decent service, with no extremes.' These good people in many cases have not been confirmed, but still claim to come to the Communion if they please; many again have left Dissent and come to Church in consequence of a rise in social position, and have brought their Dissenting ideals with them. Too many such, by force of social and monetary power, become members of Diocesan Conferences and Houses of Laymen, and of this class largely consist the Members of Parliament who demand Parliamentary action and ask the archbishop for 'drastic action' against loyal parish priests.

All this arises from the confusion between Church membership and State citizenship, and the Church will not be able to exert her true spiritual influence until it is clearly understood that she may ask for no help from any but real members, nor give any spiritual powers to those who have no spiritual character. The real spiritual Church must be self-supporting and self-regulated.

From this confusion of ideas as to membership of the Church follows the Erastian theory of the Church herself, *i.e.* the theory that the Church derives her jurisdiction and authority from the civil power. For a century and more this theory has held sway, and civil judges and the Judicial Committee have decided solemn questions affecting the doctrine and discipline of the Church, not by reference to Catholic custom nor to any spiritual authority, but to Acts of Parliament, and, we may add, to the prevailing prejudice of the all-powerful British Philistine.

The bishops, too, down to the present generation, were infected with the same idea, and acted not as fathers in God and leaders of the Church, but as mere agents for carrying out the wishes of the Erastian civil rulers and judges. The erroneous doctrine of the Divine right of kings has given place to that of the Divine right of the majority, whilst the Divine right of the Church has been persistently ignored.

Of course every loyal Christian citizen will acknowledge that the civil 'powers that be are ordained of God,' for securing the peace of society and the social welfare of all but the object of the Church is the advancement of holiness and the promotion of truth—things which no civil law can secure. The Church possesses for these ends the spiritual power given to her by her Lord: power displayed in the administration of the Sacraments, the preaching of the Word, the 'ministry of reconciliation,' and the exercise of discipline through her spiritual courts. But so long as our laity see Church affairs dealt with by Parliament and secular courts, and hear much of Acts of Parliament and decisions of the Judicial Committee or of the judge under the Public Worship Regulation Act, so long will they be unable to realise the true spiritual character of the Church, and that it is a body apart from the State and derives no power from the State.

From this Erastian idea there results a want of confidence, a feeling of mutual distrust between clergy and laity. It is a feeling very similar to that which existed between bishops and clergy after the Revolution of 1688, when, in consequence of the deprivation of so many Nonjurors, the sees were filled with Whig bishops entirely subservient to the State, whilst the clergy and a large proportion of the laity were Tory, and defenders of the true character of the Church. Now, on the other hand, a large proportion of the clergy and a growing number of the bishops are conscious of the great necessity of restoring the suspended powers of the Church, whilst the great mass of the laity still hold the Erastian view of the early Hanoverian Whigs.

Hence agitators are able to make an effective appeal to the people on the supposed law-breaking tendencies of the clergy. Many of the clergy are law-breakers, but it is man-made law they break, law which ought never to have been imposed upon them. It is not merely a question of more or less ceremonial. If the Church had always kept her power of regulating her worship, and if the bishops had retained their powers of discipline, the Church would have settled beyond dispute the limits of allowed ceremonial, and recalcitrant clergy would have had no excuse when suspended or deprived for defying a spiritual authority to which they had sworn obedience at Ordination and Institution. But when the law imposed is not that of the Church, and when bishops act not as fathers in God but as instruments of the usurping civil power; when the clergy resist this law because they have never promised to obey it, and when they disobey bishops acting in another and unspiritual capacity; and when it seems to the laity, trained for generations to consider the clergy as under the civil law, and not able as yet to distinguish between God's law and man's law, that those who teach them to obey the law are themselves law-breakers, what confidence can there be between teachers and disciples? If a clear distinction were once made between Church law and civil law, between Church courts and civil courts, as in Scotland, we should soon see a perfectly obedient clergy, isolated cases of disobedience would be dealt with by the bishops, with the assent and sympathy of clergy and people alike, and confidence would be re-established.

And the lack of interest displayed by our laity in the work and welfare of the Church is painful and notorious. It is painful because the clergy are driven by it to resort to many unworthy means of raising money which should be freely given for the support of Church work. The work of the parish priest is very often much like trying to move a railway wagon with the break on the wheels.

Perhaps as an illustration the experience of the writer of this book may serve, being most probably similar to that of hundreds of others. He commenced work in a new suburb of an important city more than twenty years ago. There was no church, and there were no funds, to begin with: all had to be created. He began by calling a meeting of those known to be Church folk in the district. Some hundreds of circulars of invitations were sent out, in response to which about thirty people came to the meeting. There was no such enthusiasm as one sees when a new Methodist chapel is to be built, and had it been left to the laity the work would never have been done. A small knot of the faithful was gathered together, however, a 'remnant' of the whole mass of nominal Church people, and the whole work of building church, school, and vicarage has been done by the clergy and the remnant. Of some thousands of pounds collected during twenty years, more than half has been collected by the persistent and strenuous begging of the clergy. About a hundred thousand begging letters have been sent to all parts of the country, and the money has been 'scraped' together. There are living side by side in the parish wealthy merchants, some Methodists, some Church folk, of equal wealth, but whilst Methodists give their hundreds and thousands to their cause, the Churchmen of similar wealth and position are content to give fives and tens, and to allow their clergy to spend energies meant for a nobler purpose in begging on this wholesale scale, and in the organisation of bazaars and other methods of 'wheedling' from people what should be joyfully given.

There is the same lack of interest amongst the poor. It is notorious that the women who come to Mothers' meetings, and the men who come to our clubs and institutes, will pay a shilling for a ticket to go to a Salvation Army tea, and will spend half-a-crown at a Methodist bazaar, but they expect a free ticket for a church tea, and look to have free gifts from the church bazaar. There is a generally prevalent idea that the Church must give to the people, whilst the people must give to the chapels, because, as our poor people will persist in believing, the Church is supported in some mysterious way by the State, and has unlimited funds somewhere from which to draw. It takes a generation to get this idea eradicated from their minds, and in the suburban parishes of great cities, where the population is continually changing, those who have learnt better through the clergy move away, and are succeeded by others with the same ideas, and the work of teaching has to be gone over again, *ad infinitum.*

And it is not only in the matter of giving money that this lack of interest is shown, but in the difficulty of obtaining workers. Our Sunday-schools are miserably understaffed, and the teachers, instead of being people of culture who can teach intelligently, are often of a social grade on a level with that of the children, and their intelligence is not always adequate to the work they have to do, simply because the people of better culture and better position are absolutely indifferent to the claims of the Church upon their service, and the clergy are driven to make shift with the best that can be got. Sometimes a splendid man is found to conduct a lads' Bible class, or a lads' Brigade, and a noble work is done for some years; but the good man removes, and in all the parish the clergyman cannot find another man willing to take up the work. There are many who could do it, but nobody is possessed of sufficient interest in church work: and so a good work languishes and perhaps perishes.

This sad lack of interest proceeds from the same root as the evils before mentioned. We have two classes of people connected with the Church—the *mass*, regarding the Church as a respectable institution, part of the British Constitution, a kind of spiritual police force, with which they have no more to do personally than they have with the army or navy: and the *remnant*, regarding the Church as a spiritual mother, for whom it is a glory and an honour to work, to pray, and to sacrifice. But alas, the 'remnant' is small, and the 'mass' is long in becoming converted. The 'remnant' does all the work and nine-tenths of the giving, because it believes in the *Church*: the 'mass' doles out its pennies at collections in public worship, and its guineas when great efforts are made, and sits in its arm-chair reading and smoking on Sundays, or perhaps plays at bridge or lawn-tennis, doing nothing more because it believes in the *Establishment* only.

But the most serious consequence of this love of 'Establishment' is the lack of spiritual power. It is a notable fact that when the Church has been most Erastian its spiritual power has been weakest. For proof of this we need only point to the period of spiritual lethargy which lasted from the First to the Fourth George. A wave of spiritual force overleapt the bounds of Establishment when the Nonjurors left, and another when the Methodists left. The atmosphere of Erastianism is too oppressive for free spiritual life. So, too, if we look from parish to parish at the present time, we shall find that, as a rule, spiritual life is most vigorous where the clergy are most 'disloyal,' *i.e.* where they are trying, though sometimes perhaps in an unwise way, to do what they honestly believe to be required by the Prayer Book, without reference to conditions imposed by the State. There is a grand story of good work done by Mackonochie, and Dolling, and Lowder, and other such men—the affections of the poor won to the Church, some lifted from the abyss, bright spots created in the midst of abounding iniquity, and all the time many of these men were being treated in a spirit far from charitable by Erastian bishops, agents of a usurped State power, when these same bishops should have been acting as protecting fathers in God.

It will be noted further that the spiritual force of the Church has been increasing during the last two generations, precisely the period during which the Church has been discovering and asserting her suspended powers. From all which it is plain to see that Erastianism must die if the spiritual Church is to live.

There are two ways by which the Church may recover its true spiritual position, Disestablishment and Reform.

In order to understand what Disestablishment would mean, we must first see in what Establishment consists. The conditions of Establishment are stated by Mr. Gladstone in *The State in its Relations with the Church* as follows :—

(1) The necessity that the Sovereign shall be a member of the national Church, and that his membership shall be ascertained in the true authentic manner by the act of Communion.

(2) The necessity that the Lord Chancellor, keeper of the Sovereign's conscience, shall also be a member.

(3) The coronation service, and its performance by the Archbishop of Canterbury.

(4) The position of the bishops in the House of Lords, as representatives of the national religion.

(5) The position of some bishops in the Privy Council, on the same behalf.

(6) The Convocation being summoned by royal writ, along with Parliament.

(7) The terms in which Parliament is summoned, —'to deliberate about serious matters affecting Church and State.'

(8) The solemn daily worship by which Parliamentary proceedings are commenced.

(9) Restriction placed by the State upon the enactment of Church laws, the only right to do so being the national character of the Church.

(10) The acknowledged subjection of the Church

in respect to *some* power of regulating her temporalities.

(11) The oath of Roman Catholics, which disclaims all intention of using their political power in Parliament to the injury of the Church.

(12) The declaration made by all office-holders.

(13) The Act of Union with Scotland.

(14) The Act of Union with Ireland.

(15) The authority of ecclesiastical courts supported by the State.

(16) The possession of tithes, whether we consider them as reserved nationally for purposes of religion, or as endowments attached to the persons of the clergy.

(17) The right to Church-rates (now abolished).

(18) The civil privileges of Church universities (now modified).

(19) The opening of assizes by attendance at church.

Disestablishment would mean that the Sovereign and Lord Chancellor must be allowed to choose their own creed; that the Church would have nothing to do with the coronation, unless by courtesy; the bishops would no longer sit in the House of Lords, nor be in the Privy Council, except as to the latter by choice as citizens; Parliament would not necessarily have a Church chaplain, or meet for Church worship; nor would there necessarily be such for the army, navy, prisons, and workhouses; and in many public functions where bishops and clergy are now asked to officiate by virtue of their office as ministers of the national Church, the persons in authority would exercise their discretion, and might have no religious service at all, or invite the ministers of any denomination they favoured. Convocation would cease to be part of the Constitution.

So far the Church would lose in social prestige and political influence, and we may add that the loss to the Church in this way would also be a great loss to the nation, especially to the poor, who would no longer have the right to claim the services of the ministry. This would be a serious loss in many ways, for there are masses of people not definitely attached to any religious body, and who, if there were no nationally recognised Church, would lose what little connection they have with Christianity. It is surely a benefit that the poorest should feel that there is in every parish one minister of religion always at their call. They feel naturally shy about asking for the services of a minister of a body to which they do not belong, but they feel that the Vicar does belong to them and to him they come for Marriage, Baptism, Churching, and Burial; they run for him in times of illness, and when some great calamity comes; to him they come for letters of recommendation when applying for a situation, and they make use of him as correspondent when there are difficulties about an absent son who is a soldier or a sailor, and on whose behalf letters must be written to the War Office, the Admiralty, or some shipping firm. Pensioners come to him to sign their pension papers, and applicants for help from benevolent societies enlist his help in setting about the work of canvassing for votes. Sometimes, too, he makes wills for the disposal of the little bits of furniture and other belongings when a poor widow dies and leaves children likely to wrangle over the possession of their mother's favourite clock or arm-chair.

In these and many other ways the Vicar has become by long-established tradition the universal friend and adviser. Of course, in case of disestablishment, the clergy would still be willing to act in the same way, but in a generation or two the idea that the Church was only one amongst many contending bodies would gain ground, and the traditional relationship would be broken, with the result that one link at least which binds many to the Church, though with only a slight connection, would be severed, and masses of people would drift on, unbaptized perhaps, married at the Registrar's Office—not one little point of connection left between them and religion. The late Archdeacon Denison pointed all this out in a charge he delivered in 1886, published under the title: *The Thing vulgarly called Disestablishment of the Church of England, properly called Disinheritance of the Crown and People of England.*

On the other hand, the benefits accruing to the Church by disestablishment would be—the recovery of power of self-government; the right of the Church to choose her own bishops; the abolition of the present system of patronage, with the consequence that in some way the people would gain at least a voice in the selection of their ministers; the destruction of the Erastian spirit, with the result of a deeper realisation of the true spiritual character of the Church, together with a growth of interest, confidence, and zeal, on the part of the people.

It might be found that, as far as the Church is concerned, Disestablishment would be a cheap price to pay for the restoration of her true spiritual force which she would thereby gain. So thought Robert Isaac Wilberforce fifty years ago, and he concludes a chapter in his book on Erastianism with the words: 'The Church may be rich without wealth, and its members reverenced without worldly titles, but if it abandons that Creed which was committed to its trust, or those Sacraments which it was embodied to administer, it will neither secure man's respect nor God's favour.'

The danger which Wilberforce feared is a very real one, so long as the Church is subject to a Parliament which is no longer composed of Churchmen, has her bishops appointed by Prime Ministers who may hold hostile creeds, and is liable to have her doctrines and practices judged by a secular court. The action of an unfriendly State and of its courts has caused the Church to lose men like Wilberforce, Newman, and Manning, who with many others have been driven away in their abhorrence of a State-ruled Church, and have gone to swell the ranks of the supporters of our ancient oppressor, the Papacy; in the reaction which followed their rejection of the corruption which has turned the Royal Supremacy into the supremacy of a political parliamentary majority, they have gone back to the old theory which our nation fought centuries ago, the theory of a Church-ruled State. When a reaction takes place it is most difficult to prevent the full recoil to the opposite extreme, and in the revulsion which truly spiritual men must feel from Erastianism Rome is always the gainer. And every gain of Rome is a step backwards towards the ideal of Hildebrand, which will bring in its turn all the troubles endured by England in pre-Reformation times, and through which France is now passing. We have not yet done with the Papacy. Its object is to secure the disestablishment of the national Church and to establish its power in the vacant place. In order to secure Emancipation the Roman Catholic bishops in England made a declaration in 1836, in which they stated that 'British (Roman) Catholics are charged with entertaining a pretended right to the property of the Established Church of England. We consider such a charge to be without foundation. We declare that we entertain no pretension to such a claim. We regard all the revenues and temporalities of the Church Establishment as the property of those on whom they are settled by the laws of the land. We disclaim any right, title, or pretension with regard to the same.' But the language used now is of a very different kind, as one may see by reading reports of what is said at meetings of the 'Catholic Truth Society.' The hierarchy has been established, and in spite of law England has been parcelled out into rival dioceses. Every year the Papal party becomes more aggressive.

Looking to Ireland and the Colonies we see that there too, where the Church has been disestablished, the Roman aggression is relentless and unceasing. It has all but taken the place of the Church of Ireland, being established in all but name, and ever clamouring for more privileges. The same process is going on in Canada, Australia, and the United States. Possessed of a wonderful world-wide organisation, an inexhaustible treasury at Rome, whither the faithful from all lands bring their bountiful offerings, to be used just where most effective, the Papacy has means of fighting and gaining power such as no other Church can ever possess. It would be the chief gainer by disestablishment. The poor would gain nothing, but would lose very largely, for energy and money now given freely by the Church to the assistance of great charities and works of social benefit would be diverted to the maintenance of the Church herself. It is notorious that very few collections made in the places of worship of the so-called 'Free' Churches go to objects outside their denomination;[1] they have to maintain a constant struggle to make ends meet, and were the Church deprived of endowments, a result which must accompany disestablishment, she would be plunged into the same struggle, to the great loss of the poor in many a parish. The tithe-payer would reap no advantage, for tithe would still be payable to somebody, and would be exacted with greater rigour than it is by the clergy. The small amount accruing to the country by the sequestration of glebe would have no appreciable effect in reduction of taxes.

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[1] A good illustration of this is the money given on Hospital Sunday; in London, 1904, the Church gave £38,681, 4s. 5d., and all other denominations £9230, 9s. 9d.

The parish churches and cathedrals must also be considered. They might be allowed to fall into decay, as the abbeys were, and remain as a pathetic reminder of the piety and devotion of a past age; they might be appropriated by the State and used for such purposes as the State might decide upon, but if used for secular purposes it would be a great shock to the religious feeling of the nation, whilst if leased to various denominations it would be an act of injustice to the noble dead who built them for the worship of the Church. They might be left to the Church, in which case some means from Church estates must be provided for their maintenance, unless they were left to be kept up by the liberality of church people, which would divert more money from the general benevolent work of the country.

We must face also the great difficulty of disestablishment arising from the historical position of the Church. It is not a body of which we can trace a definite birth; we cannot point to any date and say that the Church then began to be. We can truly say that S. Augustine came in a certain year, and that the mission from Iona came in the reign of Oswald of Northumbria. But there was a Church in England even before that, represented now by the four Welsh Dioceses, and the origin of that Church is lost in the mists of antiquity.

Nor can we point to a time when the Church began to have relations with the State, but on the contrary it is impossible to point to a time when the Church had not relations with the State. The alliance to which we have referred was not ever formally made, but it developed with the growth of the nation. The Church was not established by the Act of Submission of the Clergy, nor by Acts of Uniformity; all such legislation assumed an alliance already existing. The two entities of Church and State are joined together by no artificial link, but by a subtle bond like that which unites the body of man with its animal life to the spirit. The spirit might be taken away and the body left still possessing its animal life, but the spirit would thereby lose its only means of contact with the material world, and would live a purely ethereal life, whilst the rest of the man would be reduced to the level of a highly developed animal. So would the separation of Church and State make the Church indeed more spiritual, but the State would undoubtedly become more material.

It is worthy of consideration also that there is no precedent to guide us in disestablishment. The ancient Church of France was disestablished, but only to be re-established in another and less beautiful form. The Church of England was disestablished by the Long Parliament, but was restored to its ancient position with the joyful acclamation of a whole nation. The ancient Church of Scotland was disestablished, but to fill the void the Scottish people created another establishment. The Irish Church was disestablished, but there was a serious difficulty in Ireland arising from the fact that the great majority of the Irish people had not accepted the Reformation, and whilst the ancient Church was established by law the Roman schism was established in the affections of the people, which was a cause of constant unrest and friction. No other country in Europe has disestablished its Church. The colonies have disestablished the Church, but it had hardly had time to become established, and the conditions of life there are totally different from those prevailing in the old country. There is no example elsewhere of a Church more ancient than the State itself, and closely interwoven with the national life, being violently separated from its twin-sister the State, and left to go its own way. Disestablishment would be a most difficult thing to accomplish, and would be a task which would tax the utmost skill of the cleverest statesmen. The attempt would probably wreck more than one Ministry, and when accomplished would be found to have altered the current of English life and thought in a way which it is difficult now to forecast.

The only real benefit from disestablishment would be the gain of spiritual freedom for the Church, and it remains to be seriously considered whether that freedom could not be attained without infringing upon the freedom of other Christian bodies and without breaking the alliance now existing for the mutual benefit of Church and State.

We may first look outside the limits of England for examples of Churches which, though established, still maintain their spiritual character and their right to the management of purely spiritual affairs. We will select for this purpose first a Roman Catholic country, where an arrangement has been made by a concordat with the Pope, and a settlement of the working relations between the State, the national Church, and the Papacy has been made and worked for a hundred years. This we find in France, and we give (in Appendix D) the text of the concordat, with certain of the organic articles regulating the affairs of the Church.

The Church in France offers a most significant lesson to us in England. Before the Revolution it was in the position that the English Church occupied at the end of the Plantagenet period. Legislation had been enacted to limit the jurisdiction of the Papacy, and to secure the rights of the Monarchy.

Then, in the great cataclysm of the Revolution the Church was abolished, and its property all confiscated. And there was no restoration of Monarchy as in England, but the establishment of an Empire on the ruins of the ancient Monarchy. So that when Napoleon determined to set up once more a State recognition of the Church it was an entirely reconstituted Church, with all its ancient characteristics gone. The property could not be restored, as it had passed into too many hands. The ancient synods and ecclesiastical courts were not restored, and all the privileges, customs, and constitutions disappeared. The bishops and clergy became dependent upon the State for their maintenance, and the parochial clergy were placed under the absolute control of the bishops and the State, with no power of expressing their wishes through synods or convocations. The French Church therefore does not exist as a separate national Church, but as a branch of the Papal Church, recognised, protected, and subsidised by the State.

The result of this state of things is that the Church is badly supported by the people, who have grown accustomed to the idea that the State does everything. It has of late years too lost the sympathy of the people, because priests have shown a hostile attitude to the form of government adopted by the nation. So that if it were disestablished, as is now probable, it would be in a far worse position than our English Church would be under the same circumstances.

The Church of Rome in France has too often made the mistake that the Nonjurors in England and Scotland made, and allied herself with the lost cause of monarchy, causing to spring up a strong anti-clerical spirit which, allied with the growing atheism of France, now threatens disestablishment.

We notice next the Lutheran Church of Sweden.

Here there is a National Ecclesiastical Council, meeting every five years, but it may meet oftener if the King consents. It consists of sixty members, thirty clerical and thirty lay. The Lord Chancellor and the Minister of Worship may be present and speak, but may not vote unless they are chosen representatives. The lay representatives are chosen by electors appointed by the parish vestries. The archbishop presides, or in his absence a bishop appointed by the King.

Business introduced by the King takes precedence of other business. Questions relating to such matters as a new version of the Scriptures, a hymn-book, service-book, or catechism, are to be introduced first by the clergy. No change can be made in these matters unless accepted by two-thirds of the members present. The expenses of the council and the members are paid by the State. The number of members of a committee must be made up of equal numbers of clergy and laity.[1]

There is less difficulty in Sweden than in England, owing to the fact that the number of Dissenters from the national Church is very small. Both in Sweden and Norway the people are almost unanimous in their adherence to the Church. Yet, to meet the needs of the Church, and to relieve the national legislature from ecclesiastical business, the King gave the Church this autonomy by a Royal Ordinance in 1868, which was amended by a second in 1873.

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[1] *Report of Committee of Convocation on the Position of the Laity*, 1902.

We turn next to Scotland, to which we have referred before. We may add that the autonomy of the Scotch Establishment has been carefully guarded by several Acts of Parliament, the principal being that of 1592, called The Ratification of the Liberty of the Trew Kirk, the Act of Settlement in 1690, and the Act of Union, 1706.

These Acts have been more strongly established by decisions of the Courts of Law. We have referred to one such decision, and to this we may add a statement of Lord President Inglis in 1874: 'The Presbytery is an established judicature of the country as much recognised by law as the Court of Session is itself.' The Act of 1693 provided that the civil courts should have power to see to the efficient execution of the orders of the Church courts: 'That the Lords of their Majesties' Privy Council, and all other magistrates, judges, and officers give all due assistance for making the sentences and censures of the Church and judicature thereof to be obliged or otherways effectual as accords.' Lord President Inglis, in quoting this, says: 'I want nothing stronger or more comprehensive than that. Whenever the Church courts are unable of themselves to carry out their own jurisdiction, the civil courts are bound to step in and give all assistance.' Lastly, the Patronage Act of 1874 gave to congregations the right to elect their ministers.

Thus the Scotch Establishment possesses all the advantages of a 'Free' Church, together with those belonging to a State Church, to the benefit both of Church and State. It is sad for us English churchmen to reflect that the Scotch Establishment is not in communion with us, and that the ancient national Church is a small remnant, dispossessed of its ancient rights and privileges, but we must allow that it might have been otherwise had not our Scotch brethren so blindly attached themselves to the false theory of the Divine right of kings. Our sister Church was brought low by her Erastianism, and has been judged for making a political doctrine a part of her creed. There are possibilities that the two sections may unite once more, and the broken communion with us be once again established, and when this comes to pass the Episcopal Church may quite easily adopt the Presbyterian polity with the addition of Episcopacy.

The method of Church government in the Scotch

Establishment is as follows: The parish has its Kirk Session, corresponding to our Church Council or Vestry, consisting of minister and lay elders. Above this is the Presbytery, which may correspond with our Ruri-decanal Council, or we might say an Archi-diaconal Council: one step higher is the District or Provincial Synod, corresponding to a Diocesan Synod: and last of all, the General Assembly, answering to a National Council. All these bodies in Scotland have distinct spiritual power, which may not be interfered with by any civil courts; and from the decisions of the General Assembly there is no appeal, excepting of course a case in which the Assembly should exceed its powers.

We may fairly ask in England why our Parochial, Diocesan, Provincial, and National Synods and Councils may not have the same autonomy as the corresponding ones in Scotland. The powers which the Church had in ancient times are hers by right to-day. They have not been surrendered nor have they been taken away, but they have simply slipped into abeyance, in consequence of the slow changes which have taken place during the establishment of Toleration.

The difficulties under which we labour result entirely from the fact that Toleration has given religious liberty to other bodies, thereby creating an anomalous position for the Church. A new condition of existence has arisen for which no provision has been made, and the Church is suffering from being out of harmony with her environment. This is clearly pointed out in the Report of the Committee of Convocation on the position of the laity, issued in 1902, from which we extract the following notes:—

'In process of time, also, as the indefinite powers of the Royal Supremacy were limited, they were practically transferred to Parliament. In this manner a system of civil legislation on Church questions was established, which resembled to a considerable extent the ancient Anglo-Saxon method of treating all business of Church and State in a great council. As long as Parliamentary representation was confined to churchmen there was little need for laymen, however pious and devout, to wish for any other representation of the lay powers. . . . Considering then, as we are bound to do, that Parliament has many members who are in no sense representatives of the Church of England, and includes a large number of Scottish Presbyterians and Irish Roman Catholics, we must conclude that both clergy and laity have reason to be dissatisfied with the submission of details of Church business to this body. Nor must we forget that in many other respects the influence of individual laymen has decreased. The reign of the old squirearchy has largely passed away. The exercise of discipline by churchwardens has become almost obsolete. There is no longer any power of rating for the fabric of the church or for church expenses, and the whole civil position of the churchwardens and vestries is gone. . . . Enough has been said to show that, though the Reformation Settlement was an apparent victory for the Crown and the laity, the readjustment referred to is as much required in the interest of the laity as in that of the clergy.'

The same Report points out the steps by which the change has come about. Down to the Act of Toleration King and Parliament represented the laymen of the Church, for they were all churchmen and communicants. After this Act and the legislation which followed Parliament ceased to be a representative assembly of Church laity, and its legislation has not, on the whole, been favourable to the well-being of the Church. The Church Building and New Parishes Act of 1818 contained this clause: 'And be it further enacted that it shall be lawful for the said commissioners to make such orders as they shall deem expedient as to the amount of rent to be received in any such church or chapel, and the produce of such rents shall form a fund out of which provision shall be made for the Spiritual Person appointed to serve the church or chapel, and for a clerk.'

Thus the old principle of the common law by which every parishioner has a right to a seat in his parish church was set aside for the first time. The qualification for taking part in public worship was no longer based upon the spiritual birthright of baptism, but upon the ability to pay for a seat.

In 1868 compulsory Church-rates were abolished. The Dissenter no longer contributed anything to the maintenance of church worship, but he still retained the right to the ministrations of the clergy, and the right to object to alterations in the fabric and furniture of the church, and the right to vote in the vestry for the election of churchwardens.

By the Poor Law Act of 1834 churchwardens are no longer *ex-officio* members of boards of guardians, and the Local Government Act of 1894 transferred all parochial charities not expressly ecclesiastical to parish councils. By the same Act all but strictly ecclesiastical duties are withdrawn from churchwardens. Yet no provision has been made limiting the choice of churchwardens to members of the Church.

The position of the Church is now entirely different from what it was even a hundred years ago. The 'citizen' is not now necessarily the 'churchman,' and the 'parishioner' is no longer so called because he is one of the Church fold in a certain parish, but because he is a ratepayer to the State. There is an absolute separation between the civil citizenship and Church membership. The Church asks for no support from the State, and receives none, for her tithes and glebes are her own, the gifts of the pious in past ages, and those who have renounced the Mother have surely no right to the Mother's property. And yet the State continues to assume that the Church is to be treated just the same as when all citizens were also churchmen. The position is illogical and unnatural, almost reminding us of some of the complex and ridiculous positions in the operas of Gilbert and Sullivan. It has become intolerable, and must be altered.

What then does the Church claim? She claims first that her discipline shall be exercised by her own officers, archdeacons, bishops and archbishops, in their own spiritual courts, as aforetime, subject, as all men are, whether ecclesiastical or civil, to an appeal to the Crown for 'lack of justice.' The Church claims this because her own courts have been unjustly displaced by State-created courts, which have been a disastrous failure. The Church Discipline Act of 1840 was so crudely drawn, by men who were ignorant of Church procedure, that its interpretation by the law courts cost many thousands of pounds. The Public Worship Regulation Act of 1874 was only used in nine cases, and its result was to send five devoted and noble men to prison, to drive many clergy and laity to leave the Church in despair, and to cause the expenditure of tens of thousands of pounds in useless litigation leading to no result. The Church may fairly claim, in view of such failures, a return to the older courts.

Her next claim is that her Parish Church Councils shall have the legal right that the parish vestries had formerly, in dealing with questions affecting the working of the Church in the parish. The vestry having been merged into the parish council for civil business, it is an utterly illogical position that a shadow of a vestry should still be left, to which non-churchmen may come if they wish to disturb the harmony of the Church by carping objections to church renovation or ornamentation, and by voting in a churchwarden whose sole business is to put a drag upon the wheels of Church progress. The Church has lost all power of dealing with civil affairs, and it follows logically that the parish civil council should leave Church affairs to a properly constituted Church council. We have Church councils, but they exist by the goodwill of the vicar, and a new vicar may disband the council, or ignore its work. We need a recognised and lawful council of *bonâ fide* Church members, and such a council would powerfully aid the vicar in his work.

The ancient Diocesan Synods need to be restored. In some dioceses the bishops have called their clergy together in synod, but it has been felt to be a very unreal thing, having no more power than that of a debating society: it meets, hears the bishop's charge, listens to some papers by selected speakers, joins in a perfunctory discussion, and is dismissed, having accomplished no good except the very small benefit of bringing the clergy together for a day, and relieving the monotony of their parish work. What is needed is something like the ancient shire-mote, in which the clergy and laity sat together for certain purposes, the clergy retiring to discuss apart when considering purely spiritual matters. We have an indication of what might be when we look at the very active synods of colonial dioceses, and of the Church in the United States.

And then, for wider purposes, we have the Convocations of the provinces. They have constitutional power to legislate by canons even now, the only necessary condition being the 'letters of business' from the King. But whilst Parliament has been reformed from time to time, Convocation has still its ancient form, and needs some modification, on the one side to allow a hearing to the laity, and on the other side to make it more truly representative of all the clergy, including the unbeneficed. The *ex-officio* element at present is too large, and the Cathedral chapters are represented out of proportion to their numbers and importance.

Finally, in order to complete the system, and so that the voice of the whole Church may speak with certain sound, there is need for the National Synod, or Council, our English General Assembly. But we may not press the analogy between this Scotch body and our English Church too far. According to ancient Catholic usage the final authority must always be the Episcopate, and following principles which we think our historical review has taught us, we would say the Church needs to-day the full recognition of the ancient rights of Convocation, although we freely admit that Convocation needs to be more fully representative of the clergy. But there must always be two Houses, representatives of the upper and lower ranks of the ministry, the Lower House to discuss and recommend, the Upper House to decide and promulgate.

And further, now that Parliament is no longer what it once was, the House of Laymen, every member of it also a member of the Church, we need a House of Laymen to do the kind of work that Parliament did when there was but one Church in the land. Members of this House, legislating for the temporal interests of the Church, would of necessity be communicant laymen, as members of Parliament were, and in electing to such a House it must be clearly understood that the payment of rates or the possession of civil voting rights does not constitute a real membership of the Church.

The National Council, or Synod, would then consist of the united Convocations, properly so called, with the united Houses of Laymen sitting to advise upon matters falling within the province of the layman.

Various suggestions have been made for securing the sanction of Parliament for Church autonomy, but we think that there is no need for the Church to ask permission to use powers she never surrendered. The Church accepted a Royal Supremacy, and she should now appeal to Cæsar. If any authority is needed it is the royal authority, which the Sovereign may exercise by taking advantage of the Acts of Henry VIII. and Edward VI., and appointing a Royal Commission, which could establish all the machinery of parish, diocesan, and national councils, the bishops agreeing to put into execution by the powers they possess all the legislation of these Church councils. Often have the bishops used their powers to enforce the decrees of an illegal and usurped jurisdiction. They would earn the gratitude of the laity by acting as the loyal ministers of *bonâ fide* Church legislatures, and if another seven bishops had to go to the Tower, which is very unlikely, the result would be an enormous spiritual gain to the Church.

There are some things, however, which must be settled by Parliament, such as questions of property, of the limits of jurisdiction, and the rights of patrons. The last question has been settled in Scotland by the Patronage Act of 1874, which gave the right of electing parish ministers to the congregations of the parish churches, and it might be as easily settled in England. The solemn farce of the *congé d'élire* in the election of bishops might be ended by the Sovereign agreeing to appoint one out of three persons nominated by the Diocesan Synod.

It may be interesting to examine the constitution of the other Churches in communion with the Church of England, to see how they have solved the question of autonomy. The Scotch Church has a Provincial Synod of two Houses, bishops and clergy, the laity having the privilege of attending, and of addressing the Synod with the bishop's permission, but no vote. Bishops are elected by an Elective Assembly, consisting of the beneficed clergy and lay representatives, chosen by the communicants of each parish. The clergy nominate, and the voting is by Orders, *i.e.* there must be a majority of clergy and of laity, voting separately.

The Irish Church has a General Synod of two Houses, of bishops, and of representatives. The latter consists of 208 clergy and 416 laity, who must be communicants. The Diocesan Synod consists of the bishop, the beneficed and licensed clergy, and two communicant representatives from each parish. In electing a bishop a majority of each Order is necessary. The bishop-elect must be confirmed by the House of Bishops.

The American Church has its General Convention, of two Houses, the House of Bishops and the House of Deputies. The latter consists of four clerical and four lay deputies from each diocese, the deputies being chosen by the Diocesan Conventions or Synods, and it is necessary for lay deputies to be communicants. The Houses vote by Orders, and the House of Bishops has a right to veto the proceedings of the House of Deputies, thus securing the ancient principle that the bishops are the ultimate judges of faith and discipline. The Diocesan Synod, or Convention, consists of clergy and lay representatives from each parish. There may be two or three representatives from a parish, but when voting by Orders each parish has only one lay vote. Bishops are elected by the Diocesan Convention, clergy and laity voting by Orders, and a majority of both Orders is necessary. In most dioceses the clergy nominate and elect first, and then propose to the laity, who accept or reject. Each diocese has also a Standing Committee, acting as an advising council to the bishop. This Committee recommends to the bishop candidates for Ordination, and takes charge of diocesan business during a vacancy. The Committee consists of four laymen and four clergy, elected annually.

The Canadian Church is not so fully organised as that of the United States, but it is following upon similar lines.

The South African Church is the most completely organised of all the Colonial Churches. Its organisation as a separate province followed the appointment of Dr. Gray to the Bishopric of Cape Town, and the difficulties with Bishop Colenso led to an ecclesiastical organisation much more complete than in the other colonies. This province had also to fight the Erastianism of the Privy Council, over the case of Dean Williams of Grahamstown. This case was tried before a civil court, which decided that, as the cathedral was built before the creation of the province, it was a cathedral of the Church of England, and not of the Church of South Africa. An appeal was made to the Privy Council, which supported the Civil Court of Cape Colony, treating the province of South Africa as not belonging to the Church of England, because it ignored the decisions of civil courts in England. A strong protest was made by the Archbishop of Canterbury (Tait), and the Bishops of Winchester (Harold Browne) and Salisbury (Moberly), the Bishop of Winchester pointing out that the decision of the Privy Council implied that the judgments of that body formed part of the Creed of the Church of England, the *reductio ad absurdum* of Erastianism. There was a long controversy on the subject, until at length, in 1892, the Cape Parliament passed an Act abolishing the ordinances made by the State before the creation of the province.

This Church has a Provincial Synod and Diocesan Synods. The Provincial Synod consists of a House of Bishops, a House of Clergy, and a House of Laymen. The clergy and lay representatives are elected by the Diocesan Synods, one representative for every ten members. The Diocesan Synods consist of the bishop, the working clergy, with one layman for each parish, who must be a communicant. In the election of a bishop the clergy choose, and submit to the laity for acceptance or rejection, the election being subject to the confirmation of the House of Bishops. Owing to the troubles which arose in the case of Bishop Colenso, the Church of South Africa has been careful to state its entire rejection of the decisions of the Privy Council, in the following proviso in its constitution:—

'Provided also that in the interpretation of the aforesaid standards and formularies, the Church of this Province be not held to be bound by decisions in questions of faith and doctrine, or in questions of discipline relating to faith and doctrine, other than those of its own ecclesiastical tribunals, or of such other tribunal as may be accepted by the Provincial Synod as a Tribunal of Appeal.'

The last clause shows that the South African Church contemplates the erection of a grand Final Court of Appeal for the whole Anglican Communion, when the Archbishop of Canterbury shall be recognised as the Patriarch, the visible centre round which all the daughter churches shall gather in one great federation. The attainment of this ideal will make our communion the strongest and most free of all Christian Churches, for we shall possess all the strength of a Papacy without its tyranny. But this cannot be attained so long as the Church at home is still hampered by the usurped jurisdiction of Parliament, for the free Churches of the Colonies and of America could not recognise the jurisdiction of a Patriarch who was not himself free from all civil control as to his spiritual character.

The remaining Colonial Churches, of Australia, New Zealand, India, and the West Indies, are all being organised on the same general lines, and there is no need to describe them all. We need only point out that, looking to Scotland and Sweden, it is quite clear that all the liberty of action enjoyed by these non-established Churches may equally be enjoyed by an established Church.

Much has been done during the past decade, and our Diocesan Conferences, Church Congress, and Convocations have prepared the way for the National Council which is now at work. We trust that at no distant date we may have our Diocesan Synods and Parish Church Councils on lines similar to those of the daughter churches, and that so the Church may be set free to do her great work for the nation, with an increased zeal and devotion on the part of the laity, who will feel that membership at last means something serious, and involves responsibilities to the City of God corresponding to, though far greater than, those of the citizen towards the State.

The ideal to be aimed at would seem to be the full recognition by the State of an alliance of honour with the Church so closely intertwined with the national life—an alliance which should not make the Church subservient to the State, but like the alliance referred to when treating of an earlier period, the union of husband and wife, each giving support to the other, and neither attempting to dominate the other. The State would cast its protective shield before the Church, to guard her in the exercise of her holy functions, whilst the Church would cast the halo of her sanctity round the public actions of the State. The unit of Church life would be the parish gathering of the baptized, *i.e.* those who had claimed the privileges of the baptized by confirmation and communion. For executive purposes the baptized communicants of the parish would elect a Parish Church Council, from which delegates would go to form the Diocesan Council, above which would be the Reformed Convocations, joined in a great National Council.[1]

Beyond this would be the greater Pan-Anglican Council of representatives from the daughter churches, out of which would grow a final Court of Reference, presided over by the Patriarch of Canterbury as the visible head of the Anglican Communion.

Who can foretell the spiritual power of the Church when thus organised? Possessing the grand combination of a pure and primitive Faith, Apostolic Order, and Historic Continuity; freed from the corruptions which injure so seriously the life of other parts of the Catholic Church; and having at command all the zealous devotion and sanctified common-sense of the Anglo-Saxon race,—she will without doubt become the unifying force which shall at length draw together the sundered communions into one great Catholic Church, One in doctrine, purpose, and devotion, as at her birth, and at last realising the desire of her Lord that she might be One even as the Father and the Son are One. God help us to realise and work for this ideal.

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[1] See Appendix E, Note 2.

APPENDIX A

LIST OF AUTHORITIES CONSULTED

The Venerable Bede, *Ecclesiastical History.*

Bright, W., *Chapters of Early English Church History.*

Lingard, J., *Antiquities of the Anglo-Saxon Church.*

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Perry, Archdeacon, *Student's English Church History.*

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Lathbury, T., *History of Convocation.*

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Hook, Dean, *Lives of the Archbishops of Canterbury.*

Gladstone, W. E., *The State in its Relations with the Church.*

Wake, Archbishop, *The Authority of Christian Princes over their Ecclesiastical Synods.*

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Frere, W. H., *The Relation of Church and Parliament in Regard to Ecclesiastical Discipline.*

Wirgman, A. G., *The Church and the Civil Power.*

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Sloane, W. M., *The French Revolution and Religious Reform.*

APPENDIX B

WULFSTAN'S ADDRESS TO THE ENGLISH

Wulfstan was Archbishop of York from 1002 to 1023. This address is given here because it affords a graphic picture of the state of demoralisation in England following upon the Danish wars.

'DEAR PEOPLE,—You know how true it is that this world is drawing nigh to its end; and the way of the world is, the longer it lasts the worse it becomes, and so it must necessarily be, through people's sins, ever more evil from day to day until the coming of Antichrist; and indeed it will then be fearful and cruel all over the world.

'Understand also clearly, that the devil now for many years has led captive this people only too much, and there was little faith amongst men, though they spoke well; and too many wrongs prevailed in the land, and there were not many men who meditated about the remedy so earnestly as they should; and evils and wrong grew daily, and many bad laws were established all too widely amongst the people. And we, therefore, have borne many losses and insults; and if we would seek for any remedy, then should we pray to God for it better than we did before. For if we would pray with many intercessions about the misery that rests upon us, with those many intercessions we might obtain remedy from God, so that henceforth it might be better with us.

'Behold! we know full well that too much law-breaking needs much remedy, and too much burning needs no little water, if one would put that fire out completely.

'And much need is there also for men to take heed that they henceforth keep God's law better than they did before, and observe God's claims with right practice.

'Amongst heathen peoples no one dare withhold from their false gods little or much of what is appointed for their service; and we withhold everywhere God's rights all too often. And amongst heathen peoples no one dare injure secretly or openly any of the things that are brought to their false gods and appointed for sacrifice; and we have plundered God's house both secretly and openly. And also God's servants are everywhere else treated with honour, and protected; and some men say that no men dare ill-treat the servants of false gods in any wise amongst heathen peoples, as men now treat the servants of God far and wide in this land, where Christians should hold to God's law and protect God's servants.

'And what I say is true, there is need for remedy, because God's rights have long faded away in every part of this land, and the laws of the people have fallen into disuse all too much since Edgar died, and sanctuaries are everywhere unprotected, and the houses of God are completely plundered of all their belongings, and stripped of all their dues (and their divine orders of the ministry have now been long despised); and widows are wrongfully compelled to marry husbands, and too many have been reduced to poverty and ill-used, and poor men are sorely betrayed and cruelly ensnared, and out of this land sold far away to foreign masters, and cradle-children, for petty thefts, enslaved through cruel lawlessness everywhere in this land; and freemen's rights are taken away, and the rights of slaves are narrowed down, and the duty of alms-giving is vanished. Freemen may not do as they will, nor go where they will, nor use their own goods as they will; nor may slaves have what they own, obtained by their own hard toils, nor that which good and holy men for love of God and by favour of God have given to them as alms; and each alms-gift that one should with justice in God's favour protect, that each man diminishes or withholds.

'For injustice is the common sin of men, and iniquity is their delight; and lastly, to speak briefly, the laws of God are hateful, and instructions are held in contempt. And let him who is wise know, how all these vices of ours bring down the wrath of God. So that unless God protect us in time, this calamity, although men may think otherwise, will burst like a storm on all parts of this nation.

'For it is clear and plain to us all, that before this we have more often sinned than repented, and therefore it is proverbially said about this people, "It avails not now, for no good has been found in it for a long time," but there was the invading army and hunger, burning and bloodshedding, on every side continually. And there was robbery and murder, plague and pestilence, cattle plague and disease, calumny and hatred; and robberies by freebooters injured us severely, and we were oppressed with heavy taxes, and often suffered from bad weather, and barrenness of land ruined us. Because in these lands it came to pass, as now may be seen, that for many years manifold wrongs were everywhere done, and mutual confidence amongst men was everywhere diminished. Not now did any one favour his kinsfolk more than strangers, nor did a father trust his son, nor a son his parent, nor a brother his brother. Nobody indeed ordered his life as he should, neither did ecclesiastics live according to their rule, nor did laymen follow the layman's rule; but lust generally took the name and the place of law and justice, for none obeyed any discipline or decree, human or divine, as they should. Nor did men any longer act to one another with honest mind and faithful soul. But each one devised fraud against others, and most people annoyed one another by evil words and deeds.

'They attack the absent one with scandalous accusations, desiring to injure him more if it were possible.

'For in this our land so many forms of faithlessness there are, as much towards God as towards men, and so many are the kinds of treacheries, especially that one of unfaithfulness towards one's lord is in vogue amongst us, by which stratagems are devised against his life. But indeed that kind of treachery is especially known amongst us, by which one plots for the destruction of his lord's soul; or casts him alive out of his country. Both of these indeed happen in this land. For King Edward being betrayed by a shameful plot, was slain and afterwards burnt, and Ethelred, his brother, was driven from his kingdom.

'And as to god-parents and god-children, far too many have been killed in this land, to which number also others may be joined who have perished innocently; for very many sacred places far and wide have been devastated. And plainly for that reason that these places have been set up and consecrated by others; which ought in no way to be done by men, if they knew anything of the peace of God. And very many Christian people were sold away out of this land; and all that is hateful to God, believe it who will.

'And it is most horrible to relate what often happened, but the mind shudders to remember what many did, whilst they bore that calamity; for some joining together shared in the purchase of a harlot, whom they possessed in turn. Then indeed the purchased possession of God, of the great Creator Himself, they sold out of the land into the power of strangers and enemies. We have certainly known cases where calamity pressed so heavily that the father sold his son, the son sold his mother, and the brother his brother, receiving pay for them from the enemies; and all these wicked and horrible deeds were done openly, know it who will. And yet there are more evils, and even more sorts of evils, that injure this nation. There are many forsworn and much perjured, and pledges are very often broken; and so it is seen in this nation how God's anger rests heavily upon us, know it who can.

'And alas! how may more shame happen to men through God's anger than that which often comes to us for our own works? For instance, a slave may sometimes escape from his master, and go away out of Christendom to the land of the Vikings, and it may chance afterwards that master and slave may meet in war; if the slave foully kills his master, he may lie unavenged, unredeemed by all his kin, but if the master kill that slave, who once rightly belonged to him, the master must pay the blood fine. For laws are most iniquitous, and taxes are absolutely unjust, and God's anger is roused up against us on all sides, and the nation is afflicted with difficulties and troubles, let him understand who will.

'Nor does any remedy of evils appear anywhere, but the invading army and its hatred are pressing upon us in every part more frequently; and England for a long time now has not known victory, and lies struck down by the anger of God; pirates also by permission of God show themselves so strong, that in battle one will often put ten to flight, sometimes more, sometimes fewer. And often the slave takes the thane that before was his master, and makes him his slave, through God's anger.

'Alas! for the misery, and the disgrace, and the contempt with which all England is now afflicted through the anger of God! For ofttimes two or three Viking seamen running through a district will drive a whole host of Christians in a mass from sea to sea, to our great shame and disgrace; if only we could feel any shame or rightly perceive it, but all those shameful deeds from which we now suffer, we pay for by bribes given to the enemy, which is a shame to us; we pay him continually, and he humbles us daily. They harry and burn, they spoil and ravish, and take things to their ships; and alas! is there any cause of this manifold and bad fortune but God's anger clearly seen?

'Is there any wonder that things go wrong with us in this manner, for we know full well that for these many years past men have been careless of what they said or did; but this nation, a thing which is not difficult to understand, is most depraved by its many sins and its innumerable misdeeds, its murders and unspeakable crimes, its avarice and greediness, its robberies and plunderings, its fornication and heathenish impurity, its treasons and stratagems, its broken and evaded laws, parricides, manslaughters, violation of Holy Orders, adulteries, incests, and hateful lasciviousness. There are besides, as we said before, on account of oath-breakings, and pledge-breakings, and a great variety of lying, very many traitors and liars. Festivals and Fasts are commonly used in a profane manner. In addition to this, there are also in the land, having wretchedly fallen from God, apostates, persecutors of the Church, most hateful to the people; for the sacred laws of God and Christian rites (of worship) are commonly despised; in every part of the country these are treated with shameful contempt. Especially do they treat with contempt things which are commanded by God, and which rightly belong to the law of God. And therefore that most wicked custom has obtained so widely, that men are more ashamed of doing good than of doing evil; for good deeds meet with contempt, and the worship of God is publicly and commonly ridiculed. And those who cultivate righteousness, and reverence God piously, and try to break and weaken the force and power of sin, are treated unkindly, and vexed with every kind of annoyance and contumely. Therefore matters have come to such a pass that men spurn that which they should praise, and love that which they should hate; finally they have reached that point when they are prepared to do nothing but think wickedly and act dishonourably, so that they are not ashamed though they sin never so grievously and give unspeakable offence to God; but they are even ashamed to be seen trying to amend their great scandals, as the books teach about the foolish, who in their pride are unwilling to amend their lives.

'There are in the land too many who are sorely misguided through the impunity allowed to evil. Here are, as we said before, manslayers, parricides, priest-slayers, church-spoilers, betrayers of masters, and open apostates; here are perjurers, men who murder for hire, violators of Holy Orders, and adulterers; sins of incest and other abominations are common: here are harlots, child-murderers, and many foul fornicators; here are witches and sorcerers, robbers and plunderers, house-breakers and thieves, injurers of innocent people, men who never observe a contract, traitors, and many more evil things than one can number.

'And we are not ashamed of all this; nay, we are ashamed to begin a reformation, as the books teach, and that is seen amongst this poor sinful people. Alas! how much is here called to mind, and how much besides we could remember, to show how dreadfully fallen is this people. What great misfortunes and miseries afflict all this nation day by day, let each consider and examine, and in God's name let us not procrastinate until it is too late. Let us do what is most necessary as diligently as we can; let us take heed to ourselves, lest we all perish.

'There was a wise man who lived in British times, named Gildas, who wrote about the sins of the Britons, showing how that nation had grievously vexed God, and warning them that the English would come soon and overcome the Britons, and rule over their land. And what he foretold came to pass; the rule of learned men was broken, and the law of the laity was violated, the result of greed of riches, inordinate desire of unjust usury, unrighteous laws, unjust judgments, sloth and imprudence of bishops, slackness in labour of the messengers of God, who hid the Truth, and mumbled in their throats when they should have proclaimed vigorously; the reckless luxury of the people; lasciviousness and wantonness; various and manifold sins; on account of all these things they lost their country, and they themselves all perished.

'And need there is that we be warned in time; true it is that I say, we English people have done worse things than I have ever heard told of the Britons. Wherefore there is great need that we should consider these things again and again, and that we should intercede with God. Do therefore that which is most needful for us, turn to righteousness and put away all wrong; let us set up again what we have broken down. Let us love God, and obey the Divine laws, let us do with all diligence what we vowed and promised in baptism, or what our sponsors undertook for us; let us determine to say and do all things rightly; let our thoughts be diligently cleansed; let us keep oaths and vows with all diligence, and let our faith towards one another be kept without fraud. Lastly, remember that judgment to which we shall all come; let us turn it over very often in our minds, and let us guard against the punishment of eternal fire; let us seek for the glory and beatitude which God has in store for those who obey His will in the world. God help us. Amen.'

APPENDIX C

THE *CONSTITUTIONS OF CLARENDON*

(1) Disputes about advowsons and presentations to churches, between laymen and clerks, must be decided in the King's Court.

(2) Churches belonging to the fee of the King could not be granted in perpetuity without his assent and grant.

(3) Clerks accused of any crime, having been summoned by the King's justiciar, should come into his court to make answer for what in the King's Court it should appear to the King they ought to make answer there; and in the Ecclesiastical Court for what they ought to make answer there; the justiciar to send some one to the Ecclesiastical Court to see how the matter was dealt with there; if the clerk confessed or was convicted in the Church court, the Church ought not any longer to protect him; a clerk accused of a

crime which was a violation of both civil and canon law, such as murder, must plead in the first instance in the King's Court, and then, without any trial, he must be sent to the Church court. If he confessed, or was convicted, he must be degraded, and the Church could protect him no more, but he must be sent back to the King's Court, to be dealt with as a layman.

(4) Archbishops, bishops, and other dignitaries must not leave the realm without the King's consent.

(5) Excommunicate persons were not to give pledge for the future, nor to take oath, but only to give security and pledge of abiding by the Church's judgment, that they might be absolved.

(6) Laymen were not to be accused save by proper and legal accusers and witnesses in the presence of the bishop, so that the archdeacon did not lose his right nor anything due to him thence. And if the accused be such that no one should will or dare to accuse them, the sheriff, when requested by the bishop, should cause twelve lawful men from the neighbourhood or the town to swear before the bishop that they would show the truth in the matter according to their conscience.

(7) No tenant-in-chief of the King, nor any official on his estate, could be excommunicated, or his lands placed under an interdict, without the King's consent.

(8) Appeals in ecclesiastical causes were to lie from the archdeacon to the bishops, from the bishop to the archbishop, and in default of justice in the Archbishop's Court, finally to the King, who was to order the suit to be determined in the Archbishop's Court, beyond which it was not to go without the consent of the King.

(9) Regarding disputes between clerks and laymen as to the disposition of a tenement.

(10) If any royal tenant should be cited by archdeacon or bishop and refused to answer, he might be placed under interdict, but might not be excommunicated until applica-

tion had been made to the King's officer, that he might make order for satisfaction to be given. If the King's officer failed, then the bishop might proceed to visit with ecclesiastical penalty.

(11) Archbishops, bishops, and other dignitaries holding baronies by right of their sees or abbeys should be liable to the same duties as other feudal tenants of the King, except that they might not be called upon to assist in trials involving capital penalties.

(12) The election of archbishops, bishops, abbots, and priors (if the abbeys and priories were in the King's demesne) should be by assent of the King, who should hold the property during a vacancy. The person elected should do homage and fealty to the King as to his liege lord, saving his order, before consecration.

(13) If any nobles of the realm should forcibly prevent archbishop, bishop, or archdeacon from doing justice, the King must bring them to justice. And if any one should deforce the King, the archbishop, bishops, and archdeacons should judge him, so that he gave satisfaction to the King.

(14) The goods of outlaws were not to be protected in churches or cemeteries.

(15) Pleas of debt were to be tried in the King's Court.

(16) Sons of villeins were not to be ordained without consent of their feudal lord.

APPENDIX D

CONVENTION BETWEEN THE FRENCH GOVERNMENT AND HIS HOLINESS PIUS VII., EXCHANGED SEPTEMBER 10, 1801

The First Consul and the French Republic, and His Holiness the Sovereign Pontiff, Pius VII., have named for their respective plenipotentiaries: The First Consul, the citizens

Joseph Bonaparte, Councillor of State; Cretet, Councillor of State; and Bernier, Doctor in Theology, Curé of Saint-Laud d'Angiers, furnished with full powers:

His Holiness, His Eminence Mgr. Hercule Consalvi, Cardinal of the Holy Roman Church, Deacon of St. Agatha ad Suburram, His Secretary of State; Joseph Spina, Archbishop of Corinth, Domestic Prelate of His Holiness, Assistant of the Pontifical Throne; and Father Caselli, Consulting Theologian to His Holiness, also furnished with full powers in good and due form: Who, after the exchange of their respective full powers, have arrived at the following agreement:

Agreement between the French Government and His Holiness Pius VII.

The Government of the French Republic recognises that the Catholic, Apostolic, and Roman religion is the religion of the great majority of French citizens. His Holiness equally recognises that this same religion has derived and derives at the present time the greatest good and the greatest glory from the establishment of Catholic worship in France, and from the personal profession of it by the Consuls of the Republic.

Consequently, following this mutual recognition, as much for the good of religion as for the maintenance of internal tranquillity, they have agreed as follows:

Art. 1. The Catholic, Apostolic, and Roman religion shall be freely exercised in France: its worship shall be public, conforming itself to the police regulations that the Government shall judge necessary for public tranquillity.

2. The Holy See, in concert with the Government, shall make a new arrangement of the French dioceses.

3. His Holiness shall declare to those holding French bishoprics that he expects from them in firm confidence, for the sake of peace and unity, every kind of sacrifice, even that of their sees.

Following this advice, if they refuse this sacrifice commanded for the benefit of the Church (a refusal nevertheless to which His Holiness pays no attention), provision shall be made for new appointments for the government of the bishoprics of the new arrangement in the following manner:

4. The First Consul of the Republic shall nominate, in three months from the publication of the Bull of His Holiness, to the archbishoprics and bishoprics of the new arrangement. His Holiness shall confer the canonical institutions, according to the forms established by agreement with France before the change of Government.

5. Nominations to bishoprics which shall be vacant immediately, shall likewise be made by the First Consul, and the institution shall be given by the Holy See, in conformity with the preceding article.

6. The bishops, before entering upon their offices, shall take in the presence of the First Consul the oath of fidelity which was in use before the change of Government, expressed in the following terms:

'I swear and promise to God, on the holy gospels, to be obedient and faithful to the Government established by the Constitution of the French Republic. I promise also to have no dealings, to assist at no council, to belong to no league, whether at home or abroad, which may be contrary to the public peace; and if, in my diocese or elsewhere, I learn that anything is being plotted to the prejudice of the State, I will make it known to the Government.'

7. The ecclesiastics of the second order shall take the same oath at the hands of the civil authorities named by the Government.

8. The following form of prayer shall be recited at the end of the Mass, in all the Catholic churches of France:

Domine, salvam fac Rempublicam;
Domine, salvos fac Consules.

9. The bishops shall make a new arrangement of the parishes of their dioceses, which shall have no effect without the consent of the Government.

10. The bishops shall nominate to cures of souls.

Their choice shall fall only upon persons acceptable to the Government.

11. The bishops may have a Chapter in their Cathedral, and a Seminary for their diocese, but the Government shall not be obliged to endow them.

12. All churches, metropolitical, cathedral, parish, and others not secularised, necessary for worship, shall be put at the disposition of the bishops.

13. His Holiness, for the sake of peace and the happy re-establishment of the Catholic religion, declares that neither he nor his successors shall in any way trouble those who have acquired alienated ecclesiastical property, and that consequently the possession of this same property, the rights and revenues attached to it, will remain unchanged in their hands or in those of their assignees.

14. The Government shall assure a suitable stipend to the bishops and parish priests whose dioceses and parishes shall be included in the new division.

15. The Government will at the same time take measures to enable French Catholics to endow churches.

16. His Holiness recognises in the First Consul of the French Republic the same rights and prerogatives as the old Government enjoyed.

17. It is agreed between the contracting parties that, in case any one of the successors of the First Consul now acting should not be a Catholic, the rights and prerogatives mentioned in the article above, and the nomination to bishoprics, shall be regulated, with respect to him, by a fresh convention.

The following articles, selected from the 'Organic Articles' agreed upon by the same Convention which arranged the Concordat, are interesting, as further illustrations of our subject.

No bull, brief, rescript, decree, mandate, provision, signature serving as provision, nor any other despatches from the Court of Rome, even if they only concern private persons, shall be received, published, printed, nor in any way put in execution, without the authorisation of the Government.

No individual calling himself Nuncio, Legate, Vicar, or Commissary Apostolic, or availing himself of any other title, shall exercise on French soil or elsewhere, without the same authorisation, any function relative to the affairs of the Church of France.

The decrees of foreign Synods, even those of General Councils, shall not be published in France until after the Government shall have examined their form, their conformity with the laws, rights, and liberties of the French Republic, and all that which, in their publication, might impair or affect the public tranquillity.

No national or metropolitan council, no diocesan synod, no deliberative assembly, shall take place without the express permission of the Government.

There shall be recourse to the Council of State in all cases of abuse on the part of superiors and other ecclesiastical persons. The cases of abuse are—usurpation or overstraining of power, contravention of the laws and regulations of the Republic, infraction of rules consecrated by canons received in France, attempt upon the liberties and customs of the Church of France, and any proceedings which, in the exercise of worship, may compromise the honour of citizens, arbitrarily trouble their conscience, leading to oppression or injury, or to public scandal.

Archbishops and bishops may add to their name the title 'Citizen,' or that of 'Monsieur.' All other distinctions are forbidden.

No festival, with the exception of Sunday, shall be established without the permission of Government.

Private chapels and oratories shall not be established without the express permission of Government, granted on the request of the bishop.

In towns where there are places of worship of different creeds, no religious ceremony shall take place outside of places consecrated to Catholic worship.

There shall be, in cathedrals and parish churches, a place set apart for Catholic persons who fill civil and military offices.

Church-bells shall not be rung except to call the faithful to worship, without the permission of the local police.

When the Government shall order public prayers, the bishops shall take counsel with the prefect and the military commandant of the place, as to the day, the hour, and the best way of carrying out these orders.

Sermons, and Stations of Advent and Lent, shall not be had without first obtaining the authorisation of the bishop.

Parish priests, at the sermon during the parish mass, shall pray for the prosperity of the French Republic, and for the Consuls.

They shall not permit in their instructions any attack upon persons, or upon other creeds authorised by the State.

They shall not give the nuptial benediction unless the parties to be married produce evidence in good and due form of having contracted marriage before the civil officer.

In all ecclesiastical and religious acts, use shall be made of the State calendar, and days shall be designated by the names they bear in the calendar.

APPENDIX E

NOTE 1. *Erastianism.*—The term is derived from the name of Erastus, a Swiss reformer of the school of Zuinglius. In a work entitled *Explicatio Gravissimæ Questionis de Excommunicatione,* he denied the right of the Church to excommunicate, exclude, absolve, or censure, in fact to exercise any power of discipline over its members. He compared a minister of the Church to a professor of any science, who can only instruct students, and he taught, in short, that the Church is only a department of State. The connotation of the term has somewhat gained by long use (see J. N. Figgis in *Journal of Theological Studies*, October 1900, pp. 66-101), and perhaps the best definition of its modern meaning is the following, by R. I. Wilberforce: 'By Erastianism I understand that system of opinions and that course of action which deprive the Church of Christ of independent existence, and resolve it into a function of the Civil Government.' It is in this sense that the word is used in this book.

Note 2.—The communicant test for membership of Church Councils has been objected to as being liable to degrade the Communion into a mere sign of voting privileges. It would indeed be sad if people came to the Blessed Sacrament merely to gain the right to vote. But the objection assumes that *occasional* Communion would qualify, which need not be the case. Some regulations might be made which would ensure that the voter should be a *bonâ fide* and regular communicant. See on this subject a pamphlet by the Rev. Darwell Stone, *The Bearing of Church History on the Proposed Representative Church Council.* Parker.

APPENDIX F

THE LATE DR. T. G. LAW

Confirmation of the statements in chapter xi. on the so-called martyrdom of Romanists is afforded by the works of the late Dr. T. G. Law, referred to in an article in the *Monthly Review*, February 1905.

Dr. Law, who died in 1904, was an Oratorian, and author of a dissertation on the Vulgate, which was prefixed to the 1877 edition of the Douai Bible. On account of his ripe scholarship he was appointed a member of the commission formed to prepare biographies of the Roman 'Martyrs' in England.

The result of his investigations, however, was that he formed quite another opinion of the question, and in 1878 he left the Roman Church. By the influence of Mr. Gladstone he was made Custodier of the Signet Library at Edinburgh, and continuing his investigations he wrote a book on the treatment of the Jesuits at this period, besides several articles, which have been published in a collected form, under the title of *Collected Essays and Reviews*.

Dr. Law makes it quite clear that until the Bull of Deposition in 1570 there was no persecution of Romanists at all; even after that there was little until the concerted attack upon the Queen's power, and the plots against her life began to take effect, about 1580; and it was not until after these political designs had become manifest, about 1585, that persecution became severe.

He further shows how the machinations of Cardinal Allen and the Jesuits were behind the northern rebellion. Allen organised plots to kill the Queen, whose escape from assassination is little short of miraculous. Father Knox, the editor of Allen's *Letters and Memorials*, approves these murderous attempts; he surmises that the Pope approved them; they were indeed the only logical outcome of the Bull; and he defends them on the ground that it is legitimate to kill 'a chief of banditti who seizes an unoffending traveller (Mary Queen of Scots) . . . and demands an impossible ransom.'

Dr. Law further describes the continual plotting that went on both in England and in Scotland; he says that 'King James would at any moment have welcomed the alliance of Spain against England if only he could have been sure that circumstances would not force him in self-defence to become a Catholic, or that Philip would not snatch Elizabeth's crown for himself.' James even drew up a memorial (which is preserved at Hatfield amongst the Cecil papers) carefully weighing the pros and cons of such a project in his own interest.

All this is strong testimony to the truth of what we have quoted from Hallam, Hume, Dixon, and others, that Elizabeth was beset with enemies on every side, and was therefore forced to take vigorous measures of self-defence, involving the severe punishment of men whose claim to be religious martyrs is shown to be historically non-proven.

APPENDIX G

SOME IMPORTANT DATES IN THE HISTORY

	A.D.
Conference at Whitby, ...	634
Synod of Hertford, ...	673
Synod of Hatfield, ...	680
Laws of Ina, ...	690
Council of Cloveshoo, ...	747
Payment of Tithe made legal by King Ethelwulf, .	855
Robert of Jumièges, a Norman, Archbishop of Canterbury, ...	1051
Separation of Spiritual from Secular Courts,	1066-1087
Synods not to meet without royal permission,	
Papal letters not to be received without royal permission, ...	
William I. refuses to do homage to the Pope, .	1070
Domesday Survey made, ...	1086
Anselm appears before a Council of Peers at Rockingham, ...	1095
Council of London; settlement of the question of Investiture, ...	1107
Council at Westminster; Papal Legate presides, .	1125

	A.D.
Archbishop of Canterbury made *Legatus Natus*,	1126
Council of Clarendon,	1164
Council at Westminster; question of precedence between Archbishops of Canterbury and York,	1176
King John does homage to the Pope,	1213
Magna Charta signed by King John,	1215
Parliament of Oxford,	1258
Council of S. Paul's; the Papal Legate, Cardinal Othobon, presides,	1268
Statute of Mortmain passed,	1279
The writ *Circumspecte Agatis*,	1285
Ecclesiastical Summons to Parliament,	1295
The Bull *Clericis Laicos*,	1296
Parliament of Lincoln repudiates Papal Claims,	1301
Parliament of Carlisle demands Church Reform,	1307
Articuli Cleri of the Parliament of Lincoln,	1316
First Statute of 'Provisors,'	1351
First Statute of *Præmunire*,	1353
Second Statute of 'Provisors,'	1390
Second Statute of *Praæmunire*,	1393
Statute *De Hæretico Comburendo*,	1401
Parliament proposes to disendow the Church,	1404
Pope Martin v. demands the repeal of anti-Papal Laws,	1426
Remonstrance against the Legatine Commission of Cardinal Beaufort,	1428
Archbishop Bourchier's Commission for reforming the Clergy,	1455
The Submission of the Clergy,	1532
The Act in Restraint of Appeals to Rome,	1533
The Act forbidding Papal Dispensations and Payment of Peter's-pence,	1534
The Act of Supremacy,	1534
First Royal Injunctions of Henry VIII.,	1536
Second ,, ,,	1538
First Act of Uniformity,	1549

	A.D.
Second Act of Uniformity,	1552
Heresy Laws revived,	1554
Reforming Acts repealed,	1553-1554
Elizabeth's Act of Supremacy,	1559
Elizabeth's Act of Uniformity,	1559
Mission of Parpaglia,	1560
The *Advertisements*,	1563
Bull of Excommunication published,	1570
The Subscription (XXXIX. Articles) Act,	1571
Coming of the Jesuits,	1580
Act against Jesuits and Seminarists,	1585
Act against Puritans,	1593
Act against Recusants,	1593
The Millenary Petition,	1603
Hampton Court Conference,	1604
Overall's Convocation Book appears,	1605
The *Book of Sports*,	1617
Resolutions on Religion by a Committee of the House of Commons,	1629
The 'Root and Branch' Petition,	1640
The Protestation,	1641
Court of High Commission abolished,	1641
The Grand Remonstrance,	1641
The Clerical Disabilities Act,	1642
Abolition of Episcopacy and Prayer Book,	1645
Savoy Conference,	1661
Last Act of Uniformity,	1662
Conventicle Act,	1664
Five Mile Act,	1665
Second Conventicle Act,	1670
Test Act,	1673
Declaration of Indulgence,	1687
Trial of the Seven Bishops, and Abdication of James II.,	1688
Toleration Act,	1689
Act of Settlement,	1700

	A.D.
Occasional Conformity Act,	1713
Schism Act ; forbids unlicensed Dissenting Schools,	1714
Convocation silenced until 1850,	1717
Occasional Conformity and Schism Acts repealed,	1719
Dissenters relieved from some Provisions of Test and Corporation Acts,	1728
Romanist Relief Act,	1778
Dissenting Ministers relieved from signing part of the Thirty-nine Articles,	1779
Dissenting Ministers relieved from existing Penalties,	1812
Unitarians relieved from some Disabilities,	1813
Romanists admitted into Army and Navy,	1817
Test and Corporation Acts repealed,	1828
Romanist Relief Act,	1829
Ecclesiastical Commission incorporated,	1836
Dissenters allowed to marry in their Chapels,	1836
Church Discipline Act,	1840
Papal Aggression ; Roman Episcopate set up in England,	1850
Convocation resumes its Functions, and protests against the Papal Bull,	1852
Jewish Disabilities removed,	1858
Church-rates abolished,	1868
Public Worship Regulation Act,	1874
Burial Laws Amendment Act,	1880
Houses of Laymen established,	1886
Clergy Discipline Act,	1892
Royal Commission appointed to inquire into the State of the Church,	1904
National Church Council met,	1904

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